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# ENGLISH DIPLOMATIC ADMINISTRATION

1259-1339

By

G. P. CUTTINO, D.Phil.

**QUECKED**

*1259-1339*  
*D32*



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## PREFACE

THIS book is a study in the structure of English administration of diplomacy, based largely on a hitherto unexplored collection of manuscript materials. The main emphasis is placed on relations between England and France during the years 1259-1339, but much of what is said applies to the whole of the medieval period as well. It has not been my intention to write diplomatic history as such: I have tried rather to lay a basis for the vast amount of research that remains to be done in this field. I have already begun a detailed examination of the larger problems that naturally grow out of a study of this kind, particularly the legal aspects of Anglo-French relations during the period preceding the Hundred Years War. In one sense, then, the following chapters, although complete in themselves, should be regarded as an introduction to a more exhaustive work. They should also be of interest as a supplement to Professor Tout's account of medieval English administration.

It is a pleasure to acknowledge my debt to Professor V. H. Galbraith, now of the University of Edinburgh, and to Professor F. M. Powicke. I am deeply grateful for the kindness, inspiration, and guidance they have so unstintingly given while supervising the thesis on which this book is based. I wish also to express my thanks to Mr. Charles Johnson for many helpful suggestions and for reading the manuscript in its final form. to the Rhodes Trust, which has made this study possible, to the members of the staff of H.M. Public Record Office, and to a large number of friends and fellow students who have been willing both to read and to criticize.

G. P. C.



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## ABBREVIATIONS

- Anc. Cor. = Ancient Correspondence.  
 Anc. Pet. = Ancient Petitions.  
*C.C.R.* = *Calendar of Close Rolls*.  
*C.C.W.* = *Calendar of Chancery Warrants*.  
 Chan. Misc. = Chancery Miscellanea.  
 Chan. War. = Chancery Warrants.  
*C.Pap.R.* = *Calendar of Papal Registers*.  
*C.P.R.* = *Calendar of Patent Rolls*.  
 D.D.C. = Diplomatic Documents, Chancery.  
 Dip. Doc. Exch. = Diplomatic Documents, Exchequer.  
*D.N.B.* = *Dictionary of National Biography*.  
 E.A. = Exchequer Accounts.  
*E.H.R.* = *English Historical Review*.  
 E. (W. & H.) = Enrolled Accounts (Wardrobe and Household).  
 Hist. MSS. Com. = Royal Commission on Historical Manuscripts.  
*L.Q.G.* = *Liber quotidianus contrarotulatoris garderobe*.  
 Misc. Bks. Exch. T.R. = Miscellaneous Books, Exchequer Treasury of Receipt.  
 MS. Add. = Additional Manuscripts (British Museum).  
 Parl. & Coun. Proc. Chan. = Parliamentary and Council Proceedings, Chancery.  
 Parl. & Coun. Proc. Exch. = Parliamentary and Council Proceedings, Exchequer.  
 Pipe = Pipe Rolls.  
*Rot. parl.* = *Rotuli parliamentorum*.  
*Rot. parl. ined.* = *Rotuli parliamentorum hactenus inediti* (Camden Third Series).  
 Rymer = Rymer's *Foedera*.  
 Ward. Debent. = Wardrobe Debentures.

(Whenever possible, chronicles are cited by names of the authors.)





## 2 ENGLAND AND THE CONTINENT, 1259-1339

have printed some of the proceedings, but their accounts are by no means complete. The legal aspects of Anglo-French relations have generally been passed over in favour of the more usual types of diplomatic intercourse, yet matters of homage, suits, and the settlement of mercantile and administrative grievances are the very foundations upon which the diplomacy of the two kingdoms rested.

But these manuscripts cannot be seen as an organic whole, and their relations one to the other cannot be understood without knowledge of the purpose and method of their use. Until administrative organization has been clarified, any consideration of larger problems must necessarily be postponed. On the other hand, it will be possible and indeed desirable to touch briefly on the nature of those problems and their complexity and ramifications.

A great deal has been said about the results of the Norman conquest on England itself, but one fact is of cardinal importance for her foreign relations and needs to be particularly emphasized. By the connexion established between England and the Continent a new element was introduced into medieval diplomacy. The novelty lay in the peculiar and paradoxical position of the kings who occupied the English throne. They were first of all vassals owing allegiance to the French crown for their enormous and lucrative continental holdings, but at the same time they were also absolute sovereigns of their island kingdom, and this sovereignty was grounded in the incontrovertible right of conquest. Here then were persons who exhibited in themselves a dual suzerain-personality, an oddity that soon caused as much trouble in history as a similar situation did in fiction. With the accession of Philip Augustus to the throne of France, French kings became obsessed with a burning passion to increase the power of the crown both politically and territorially: across the Channel the possession of sovereignty began to foster in English monarchs an extreme distaste for their feudal obligations on the Continent. Those parallel developments are the two most important factors in the history of foreign relations among western European countries for three centuries. Diplomacy was a seesaw between the two opposing forces, and a suitable crossbar to

support the game was found in a treaty signed at Paris in 1259.

It was in 1202, during one of the periodical rises of French fortunes, that King John's sobriquet, Lackland, became especially pertinent, for in this year he was formally deprived of his French possessions. Neither John nor his son, Henry III, was prepared to accept such a situation, but not until fifty years later did the opportunity to remedy it arise. At that time Louis IX had taken the cross and gone to the Holy Land; and, having become involved in most embarrassing difficulties with the infidels, he called upon his vassal for assistance. Henry saw his chance, and instead of complying with the French king's request, set about to erect offensive and defensive alliances that would strengthen his continental position and enable him successfully to prosecute his claims in France. The death of Blanche of Castile, regent of France, in 1252, Henry's alliance with Alfonso X of Castile, concluded in 1254,<sup>1</sup> and the threatened rupture with Germany over Charles of Anjou's espousal of the cause of Marguerite, countess of Flanders, all combined to force Louis to return from his crusade and to set in motion the preliminaries necessary to peace with the English king.

But meanwhile Henry himself was having troubles. His attempts to pacify Gascony had meant the expenditure of large sums, and when he returned to England his debts amounted to some 350,000 marks.<sup>2</sup> The alliance with Castile, moreover, was considered by the English to be of little use, and the double election of Richard of Cornwall and Alfonso X to the throne of Germany strained it to such an extent that its value in the event of a conflict with France became extremely doubtful. Finally, the conflict between king and barons, which seemed inevitable, appeared even more imminent after the Sicilian affair. So Henry was equally compelled to seek a *rapprochement*, and the two kings, through their accredited representatives, made peace at Paris in 1259.

By that treaty St. Louis gave to the king of England all the land that he held in fiefs or demesnes in the dioceses of

<sup>1</sup> Rymer, i. 297, 310.

<sup>2</sup> Matthew Paris, v. 450, 521.

#### 4 ENGLAND AND THE CONTINENT, 1259-1339

Limoges, Cahors, and Périgueux, save for the homage of his brothers, should they possess any holdings in these territories. Fiefs enjoying the right of perpetual inalienability from the throne of France, however, were necessarily retained under the direct suzerainty of the king; and Louis agreed to indemnify the king of England correspondingly. Similarly, if Agenais fell to him after the demise of Jeanne, countess of Poitiers, who held it at the conclusion of the treaty, Louis promised Henry this territory; meanwhile it was agreed that the king of England should receive yearly a sum equivalent to the rent of the land. If Agenais fell to another, Henry was to receive the homage and the rent. The same stipulation was made for the lands in Quercy held by Alphonse de Poitiers, brother of St. Louis, through his wife, Jeanne de Poitiers, on condition that it could be established by inquiry that Richard Cœur de Lion had given them to Jeanne d'Angleterre on her marriage to Raymond VI, count of Toulouse and grandfather of Jeanne de Poitiers. The king of France also allotted to the king of England after the death of the count of Poitiers all that the count held in Saintonge beyond the Charente river. If another lord inherited the land, the king of France undertook to procure it by exchange or in some other manner and to give it to the English king, or to indemnify him with other lands selected by mutual agreement. Finally, Louis contracted to furnish Henry with a sum sufficient to maintain 500 knights for a period of two years. The understanding was that the money should be spent in the service of the Church or for the 'profit of the land of England', on the advice of persons chosen by the king of England and his barons.

Henry III, for his part, was to hold all the lands given him by the treaty and all the territory he possessed in France before the conclusion of the treaty, including the coastal islands, in liege homage as duke of Aquitaine and peer of France, performing the appropriate services after an inquiry had proved what the nature of these services was. Both Henry and his son renounced in favour of the king of France all their rights to Normandy, Anjou, Touraine, Poitou, and elsewhere in France, except the rights they reserved in Agenais and Quercy. The king of England undertook to

secure the complete renunciation of similar claims held by his brother, Richard of Cornwall, and his sister, Eleanor, wife of the earl of Leicester. The vassals and cities of Aquitaine were required to take an oath, the *seurté*, to the king of France binding them to give neither counsel, subsidies, nor aid to Henry towards breaking the treaty. Should Henry make such an attempt, those who had taken the oath were bound to aid the king of France if the English king did not make amends within three months after the summons of his overlord. The *seurté* was to be renewed every ten years at the request of the French king.

The two kings agreed reciprocally to pardon all damages suffered during the war or even when they were not engaged in open hostilities upon each other, and both they and their sons bound themselves to maintain the peace.<sup>1</sup>

The first point that emerges from an examination of the treaty of 1259 is that a definite settlement of its terms would be possible only after lengthy inquiries were made into a mass of confused questions. The treaty did little more than to suggest some *point du départ* for the resolution of the difficulties inherent in it, yet it determined the nature of Anglo-French relations, and consequently of English foreign policy in general, for the next eighty years. The execution of its terms, and the negotiations that that involved, ushered in a phase of English diplomatic history unique in the medieval period, for it represents an almost continuous effort on the part of the Crown to solve a pressing foreign problem by peaceful negotiation. The effort continued almost without a break until Edward III realized what his three predecessors had been either unable or unwilling to see, discarded their methods, and plunged England into a century of war.

Little of the execution of the treaty had been accomplished at the death of Henry III. The claims of Richard of Cornwall and of the de Montforts were settled to the satisfaction of the French king and on 4 December 1259, upon completion of the agreement, Henry publicly did liege homage

<sup>1</sup> The text of the treaty may be found in Rymer, i. 383. A manuscript copy exists in Dip. Doc. Exch. 1077. The originals are in the Archives Nationales at Paris. For the treaty and its execution see Gavrilovitch, *Étude sur le traité de Paris de 1259*.

to St. Louis.<sup>1</sup> The homage should have been renewed at each change of reign, but Henry excused himself to Philip III because of illness and died without having performed it.<sup>2</sup>

The financial stipulation for the support of 500 knights was one of utmost importance to Henry III. The extortions of the pope, the expenses of Richard of Cornwall in Germany, and squandering by the king himself made the need for money an urgent one.<sup>3</sup> Indeed, in Henry's mind one of the most cogent arguments for accepting the treaty was the support he could gain from it for his contest with the baronage. That the barons themselves had realized such a possibility is evident from the provision that the money thus acquired should be spent 'on the advice of persons chosen by the king of England *and his barons*'. Attempts by commissions to determine the amount the French king should pay to quit himself of that obligation failed, but Louis advanced payments until a definite settlement was made in 1264. At that time the sum was set at 134,000 *livres tournois*, of which Henry had already received 76,000 *livres*; the quittance of Queen Eleanor for the remaining 58,000 *livres* is dated in June of the same year.<sup>5</sup> Only 2,000 *livres* went for the service of the Church; the vast bulk was used in Henry's own interpretation of the phrase, 'for the profit of the land of England'.

By 1261 Louis's willingness to advance money to Henry had influenced the latter to accept the sum determined upon for Agenais, which Alphonse de Poitiers still held. The amount was fixed at £3,720. 8s. 6d. yearly, to be paid in two instalments at the Temple de Paris.<sup>6</sup> In the dioceses of Limoges, Cahors, and Périgueux, the only possessions into which he could enter immediately upon performing homage, Henry found himself faced with the *privilégiés*, the bishops of Limoges and Cahors, the count of Périgord, the bishop, city, and county of Périgueux, and the city of Sarlat. The

<sup>1</sup> Gavrilovitch, op. cit., pp. 28-34, 36, 49.

<sup>2</sup> Rymer, i. 494, 495.

<sup>3</sup> Matthew Paris, v. 660, 661.

<sup>4</sup> Rymer, i. 434.

<sup>5</sup> Gavrilovitch, op. cit., *pièce justificative* no. iv. The last mention of the question was a claim put forward by Edward III at the beginning of his reign. The French, with quittances in hand, had little difficulty in proving that the account had long since been settled, a fact which Edward recognized on 20 May 1331 (Rymer, ii. 819).

<sup>6</sup> Ibid., i. 409.



problem continued to exist under his three successors. The only definite settlement made during Henry's reign was the cession by the English king of Normandy, Anjou, Touraine, and Poitou. That clause legalized the conquests of Philip Augustus and Louis VIII over John Lackland and Henry III, and the kings of England were content to abide by this settlement.

For the sake of clarity, Anglo-French relations during the reign of Edward I can be divided into three periods.<sup>1</sup> The first, from 1272 to 1291, was concerned largely with the fulfilment of the treaty of Paris. When Alphonse de Poitiers died in 1271, Philip III seized his lands, wishing to resume the heritage he claimed over Agenais and Saintonge by virtue of a treaty between Louis IX and Raymond VII, count of Toulouse, in 1229. Death had prevented Henry III from doing more than to assert his claim, but Edward I, on his return from the Holy Land to England, passed through France to demand from Philip III the restitution of those lands stipulated by the treaty. The form in which he did homage alluded directly to that territory: 'Domine rex, facio vobis homagium inde pro omnibus terris, quas *debeo* tenere de vobis.'<sup>2</sup> Despite Edward's insistence, Philip managed to postpone settlement until 1279, when he definitely ceded Agenais by the treaty of Amiens.<sup>3</sup> It was not until the treaty of Paris of 1286 that Edward received Saintonge.<sup>4</sup> The inquiry concerning Quercy, handicapped by the increasing age of those who could serve as witnesses, dragged along until the same year. Edward renounced his rights there for a rent of 3,000 *livres tournois* on the lands for which he had promised to do liege homage as he had already done for the duchy of Guyenne.<sup>5</sup>

<sup>1</sup> See Miss Salt's suggestive outline in her article, 'List of English Ambassadors to France, 1272-1307', *E.H.R.*, vol. xlv (1929), pp. 263-78. She has appended a useful list of embassies, drawn from the list of exchequer accounts (*P.R.O. Lists and Indexes*, no. xxxv, pp. 188-95, 220-33), from the list of diplomatic documents (*ibid.*, no. xlix), from the classes of Ancient Correspondence, the Liberate and the Treaty Rolls.

<sup>2</sup> *Flores historiarum*, iii. 31. Walsingham's statement (i. 11) is more definite: 'Post haec, Edwardus venit in Franciam, et a Philippo, Francorum Rege, magnifice susceptus est; fecitque homagium pro terris suis quas de eo tenebat, sub conditione restitutionis terrarum patri suo, in venditione Normanniae, promissarum.'

<sup>3</sup> Rymer, i. 571.

<sup>4</sup> *Ibid.* 672.

<sup>5</sup> *Ibid.*

Neither king was capable of enforcing the clauses regarding the *seurté* and the *privilégiés*. The former had been executed neither in 1259 nor in 1269, and Edward's attempt to require it in 1275 was unsuccessful.<sup>1</sup> Of the *privilégiés*, only Raymond IV, viscount of Turenne, Pons de Gourdon, Gaillard, abbé of Figeac, and the count of Périgord were persuaded to transfer their allegiance to the English crown, and the count of Périgord later recanted. By the treaty of Amiens the two kings mutually renounced those two clauses, except for the oaths already taken. So the king of England who theoretically received Limoges, Cahors, and Périgueux was, by the large number of privileged vassals in these dioceses, actually deprived of the greater part of this territory; nor was he reimbursed as the treaty of 1259 provided.

Edward's position as vassal of the French king interfered with his desire to make his rule really effective in his continental dominions and raised a multitude of difficulties connected with the right of his vassals to appeal to the Parlement de Paris. The treaty of 1259 had not determined the mode of procedure in such cases; this was done to a certain extent by two subsequent *arrêts* of the Parlement de Paris.<sup>2</sup> When the king of England should be cited in law in Gascony, Périgord, or in Limousin, an *arrêt* of 1269 provided that the case could be adjourned to the Parlement by letters addressed either to the king himself or to his lieutenant in the district where the case arose. In 1286 it was laid down that those who had made an appeal to the Parlement were put under the protection of the king of France, and that the seneschal of Gascony could not exercise jurisdiction over those who had appealed against one of his decisions. While an appeal was pending, the appellant was forbidden to resort to arms to defend himself against the English authorities. Such undermining of his feudal authority Edward attempted to counteract after Gaston de Béarn, Raymond, viscount of Fronsac, and Marguerite, countess of Limoges, had appealed against him to the king of France.<sup>3</sup>

<sup>1</sup> Rymer, i. 522, 531.

<sup>2</sup> Gavrilovitch, op. cit., pp. 84, 85.

<sup>3</sup> These cases and others of the same nature are discussed by Gavrilovitch, op. cit., ch. iv. Those of Béarn and Limoges are summarized by Tout, *History of England* (1216-1377), pp. 141-2.

In 1283, as a special privilege valid only during his reign, Edward received assurance from Philip III that appeals brought to the Parlement against English officials in Guyenne would be referred to these officials for settlement during a delay of three months. If satisfaction were not given to the plaintiffs, the cases would then be judged by Parlement.<sup>1</sup> That privilege was not effective in alleviating difficulties, however. Complicated further by Edward's inheritance of Ponthieu in 1279, the right of appeal to the Parlement de Paris remained a thorn in the English flesh until the outbreak of war in 1339.

During the second period, from 1293 to 1294, Edward attempted to keep the peace despite his awkward position as vassal and disputes between the Norman sailors on the one hand and the sailors of Bayonne and of southern England on the other. In May 1293 he dispatched Edmund of Lancaster and Henry Lacy to settle the maritime disputes, but their attempts proved abortive and Edward was cited before the Parlement de Paris.<sup>2</sup> He refused to attend the summons, protesting his good faith and declaring upon advice of his council that, since his court was independent, those who felt themselves injured had only to appeal to it in order to obtain justice.<sup>3</sup> But those overtures on the part of Edward, which were calculated to reconcile his duties as vassal with his royal dignity, were not accepted. In June 1294 he gave up the struggle and renounced the homage he had done to Philip the Fair.<sup>4</sup>

During the final period, from 1295 to 1307, the two kings were concerned with the re-establishment of peace and the execution of its terms. The preliminaries involved a discussion of the sentence of arbitration pronounced by Boniface VIII in his private capacity and the refusal of Philip IV to give up his alliance with England's enemies, the Scots. Boniface had awarded that all lands and claims in Gascony on either side should be placed in his hands, but Edward rejected his proposal and Philip persisted in keeping the

<sup>1</sup> *Red Book of the Exchequer*, ed. Hall, iii. 1055.

<sup>2</sup> *C.P.R.* (1292-1301), p. 15. Trivet (p. 328) and Hemingburgh (ii. 43) mention only Lancaster, while Rishanger (pp. 136-7) mentions only Lacy.

<sup>3</sup> Hemingburgh, ii. 43; Walsingham, i. 43-4.

<sup>4</sup> Rymer. i. 807; Hemingburgh, ii. 45; Walsingham, i. 47.



territory. English envoys who went to the pope in 1300 to demand a definite award in writing had their request refused on the grounds that 'the French are full of great suspicion, and if the king of France knew that the pope was gracious to Edward I he would never have compromised with the pope'.<sup>1</sup> Boniface was really in no position to compel either party, and the difficulty was resolved by other means: Edward's victory over the Scots and Philip's defeat by the Flemings finally brought the French to terms. By the peace that was concluded at Paris in 1303 the parties reverted to the *status quo ante bellum*.<sup>2</sup>

For the rest of Edward's reign the two major questions for settlement were the nature and implications of the homage required by the treaty, and the restoration of lands and assessment of damages and losses to both sides. When Edward II ascended the throne neither had been solved. Homage was probably never performed until January 1308, on the occasion of the marriage of Edward II, when he did homage as his father's successor.<sup>3</sup> For the solution of the latter problem the process of Montreuil, the first of two famous diplomatic conferences of its type,<sup>4</sup> was set up, but it soon adjourned with its work unfinished.

Henry III's foreign policy preceding the treaty of 1259 was influenced by his relations with Louis IX; likewise, Edward I's attitude towards continental problems was determined by his position as vassal of the French king. He pursued an unaggressive foreign policy himself and attempted to ensure peace on the Continent, realizing that he would inevitably be drawn into the struggles that might arise when all his energies were required for the conquest of Wales and the settlement of the Scottish succession.

His mediatorial services in the southern kingdoms were

<sup>1</sup> See the report of the mission by the bishop of Winchester, printed by Black, 'Edward I and Gascony in 1300', *E.H.R.*, vol. xvii (1902), pp. 522-7.

<sup>2</sup> In the same year it was finally determined that Edward should have the homage of the counties of Armagnac and Fezensac, another point left undecided by the treaty of 1259. Gavrilovitch, *op. cit.*, pp. 82-3.

<sup>3</sup> Johnson, 'The Homage for Guienne in 1304', *E.H.R.*, vol. xxiii (1908), pp. 728-9.

<sup>4</sup> A similar instance of the use of a conference or commission occurs in 1274 in connexion with Anglo-Flemish relations; de Sturler, *Les relations entre le Brabant et l'Angleterre au moyen âge*, pp. 124-5.

an integral part of that plan. He was anxious to consolidate his own position there, and he had no desire to see France expand at the expense of Castile and Aragon. Yet it was essential that peace be preserved lest he find himself compelled as vassal of France to support by force of arms that very expansion he sought to prevent. His friendliness for the rulers of Aragon, Castile, and Sicily, however, and his efforts on their behalf, bore little fruit when their help was needed against France in 1294.

Before 1294 Edward made no attempt to take advantage of the hostility that existed in the various parts of the Empire to the French policy of expansion. He passed over the opportunity of securing a foothold in Provence and Savoy, and showed little resentment over his daughter's loss of the kingdom of Arles. The same policy was pursued in regard to the Netherlands. Flanders took the initiative in the commercial treaties that were arranged with England. Brabant furthered its marriage policy in order to augment the treasury of its duke; only the fortuitous death of John I gave Edward control of the duchy. Edward's role as arbitrator in the feuds of the Netherlands was matched by that of the king of France, and whatever territorial advantages he might have secured from Brabant and Holland as dowries for his daughters were offset by events like Philip IV's annexation of Ostrevant between 1286 and 1290. Likewise the count of Bar, oppressed by French expansion into Viviers, Beaulieu, Montfaucon, and Burgundy, was the initiator of the marital alliance with England in 1293 which proved of some assistance against France.

Edward I, therefore, unlike his grandson, cannot be accused of a long-conceived plot to build up a northern alliance against France. It was not until 1294 that he seized on the hitherto-neglected opportunity, through his connexions in Brabant and Holland, of erecting a coalition that would divert the attentions of France to her northern frontier and exhaust her there. The fields for diplomatic activity at that time were the Netherlands and Burgundy, with the German king, Adolf of Nassau, serving as a link between them. English diplomacy proved more productive in the Empire than in the Netherlands: the branch of the wardrobe

that had been set up to facilitate payment of subsidies to Edward's allies was removed, together with the Staple, from Dordrecht to Malines in August 1295,<sup>1</sup> and five months later Florence, count of Holland, concluded a treaty with the king of France.

After the treaty of 1303 Edward resumed his policy of caution exercised prior to 1294. The sacrifice of his allies in the treaty negotiations had dimmed the reputation built up by his activities as an arbitrator. Nor was he able to exert any appreciable influence over his late adherents: Bar fell completely under French influence and the English policy towards Flanders was dictated by France. Holland was lost when its duke, John, died in 1299. As for his relations with princes of the Rhineland, Edward was merely engaged in paying them for their services during the war.<sup>2</sup>

Edward II inherited the same problems that had faced his father and was even less successful in dealing with them. Only the close personal relation to the French king, which had grown out of his marriage to Isabella of France, and a difficult domestic situation prevented the outbreak of hostilities that finally took place in the following reign. All the scenery was in place for the Hundred Years War; only the curtain needed to be rung up. The encroachment of French officials on English rights in France, which Edward I had in some measure been able to check, increased with such rapidity and violence that the barons actually feared the loss of Gascony.<sup>3</sup> Mutual recriminations grew so frequent that in 1310 Edward II took the initiative in proposing to the king of France a conference between plenipotentiaries to revise the agreement of 1259 and all subsequent treaties in order to find some basis of *entente* between the two countries. The subsequent conference, the famous process of Péri-gueux, although lasting for only a few months in the follow-

<sup>1</sup> *Infra*, pp. 122-3; de Sturler, *op. cit.*, p. 186.

<sup>2</sup> For Edward's foreign policy see Tout, *op. cit.*, pp. 136-235, particularly chs. ix and x, and for special aspects of it, de Sturler, *op. cit.*, Bock, *Englands Beziehungen zum Reich unter Adolf von Nassau*, and Kern, *Die Anfänge der französischen Ausdehnungspolitik bis zum Jahre 1308*. There is, however, no adequate printed treatment of the subject as such, and I am indebted for the substance of the above remarks to the unpublished Oxford B.Litt. thesis of Mr. H. Instein, 'Edward I as a Foreign Statesman'.

<sup>3</sup> *Rot. parl.* i. 282.

ing year, affords a clear picture of the state of Anglo-French relations at this time.

The English commissioners arrived in November 1310, but the actual process did not begin until 27 April 1311.<sup>1</sup> The English demands, set out in twenty articles, were based on the preceding peaces of 1259, 1279, 1286, and 1303. They were:<sup>2</sup> full possession of all seigneurial fiefs, allodia, jurisdictions, and other rights in the three cities and dioceses of Limoges, Cahors, and Périgueux; various demesne and feudal rights in Saintonge, which the king of France had appropriated after the death of the count of Poitou, and £180 of annual rents alienated by the count in Saintonge after the first peace; 314. 18s. 4d. *livres tournois* of rents that remained to be paid from the 3,000 *livres* promised by the king of France to the duke of Guyenne; a part of Agenais not yet handed over to the king of England, and the rents seized by the French from that part assigned to England in 1259 but not surrendered until 1279; 21,000 *livres tournois* for arrears assigned to the English king according to the peace of Paris of 1286. In addition, the English complained of abuses committed by the seneschal of Périgord and Quercy, who was trying to hand the duchy over to France by favouring appeals carried to the court of France, by protecting the appellants who in turn committed a multitude of abuses, and by banishing upon unjust pretexts the inhabitants of the duchy.

The opposing claims advanced by the French were:<sup>3</sup> reparations amounting to 926,000 *livres tournois* for damages suffered before the last Gascon war and during the rebellion of Bordeaux, for depredations committed against the abbey of La Réole, and for the garrisons of the châteaux of Bordeaux and Langon made prisoners by adherents of the duke; restoration of the part of Agenais returned to the duke and of other places surrendered as part of Agenais when in reality they belonged to Quercy, as well as 100,000 *livres tournois* for the goods of Jews, confiscated in Agenais by the

<sup>1</sup> Gavrilovitch, *op. cit.*, *pièce justificative* no. vii. See also *pièce justificative* no. viii for a *procès-verbal* of part of the proceedings.

<sup>2</sup> Lubimenko, *Jean de Bretagne, comte de Richemond*, pp. 83-4.

<sup>3</sup> *Ibid.* 84-5.

king of England; all the islands adjacent to Normandy, Saintonge, and Poitou; recognition of their rights to the church of Bordeaux and all its dependencies, to other parishes, abbeys, and chapters and their dependencies, to a group of the bastides of Agenais, and to the acquisitions of Philip IV and his predecessors.

The claims of the two parties were never resolved because of the refusal of either to admit the rights of the other. There were too many difficulties to be met and overcome, too many points of litigation left in the shadow of the famous treaty that Louis IX had believed would establish peace between the two countries. In May 1313 Edward himself went to France in an attempt to remedy affairs with his father-in-law. The journey was not entirely without results. Philip the Fair accorded him complete remission of the penalties that his officers and those of Edward I had incurred in the exercise of their duties.<sup>1</sup> Some action was even taken to mitigate the abuses committed by the seneschals of Périgord, Saintonge, and Quercy, but just as the tension between the two crowns eased further complications set in.

Between 1314 and 1317 the English lodged complaint after complaint against the refusal of France to allow the English pound to be current in Aquitaine. In 1318 a new charge was made against the seneschal of Périgord, who refused to admit the remission of penalties conceded by Philip in 1313. Edward's attitude towards homage strained relations even further. Called upon in 1316, he adjourned the taking of homage until 1319. His excuse was the war with Scotland, and later he claimed that the summons of the king of France was irregular because it was not made to him in England. Even in 1319 only simple and conditional homage was done, and this by procuration; Edward did not render it personally until the next year (1320). Following a conflict of jurisdiction over a bastide constructed by the lord of Montpezat at Saint-Sardos on what the French claimed to be their territory, Charles IV pronounced the confiscation of the duchy of Guyenne.

The short war that followed was terminated by the treaty

<sup>1</sup> Rymer, ii. 217, 220.



of 1325.<sup>1</sup> One of the principal clauses provided that Edward II would be obliged to do homage at Beauvais on 30 August. But Edward, using illness as a pretext, never crossed to the Continent again. His queen, Isabella of France, with the aid of a papal legate, finally persuaded Charles IV to accept the homage of her eldest son, who would be created duke of Guyenne for the occasion. That was done in September, and the young prince rendered homage to his uncle.<sup>2</sup> War broke out again, however, when Charles insisted on retaining Agenais as an indemnity. The peace of 1327 provided for a restoration of all conquests in consideration of an indemnity from Edward III, who had just succeeded his father.<sup>3</sup> The situation was once more carried back to the treaty of Paris of 1259, but in form only; the conquered lands were never restored to Edward III.

The attitude of Queen Isabella towards the French court and her part in shaping English policy during the latter part of the reign of her husband have already been clearly established.<sup>4</sup> During the minority of the young Edward III she was busy with the task of postponing the impending conflict with Philip of France. She dispatched many embassies to discuss all the old problems, particularly that of homage, and to offer marriage alliances,<sup>5</sup> while at the same time reprisals were being made against French merchants.<sup>6</sup>

When Philip of Valois ascended the throne he summoned Edward III to render homage at Amiens.<sup>7</sup> The ceremony took place on 6 June 1329, but the terms in which homage should be done were for a long time debated. Philip demanded liege homage, while Edward wished to do only simple homage. The distinction was important to both parties: the former bound a vassal personally to his lord and implied military service, while the latter merely showed recognition of a holding. The homage of 1329 was neither liege nor unconditional, for reservations were made concerning the lands that had been seized by Charles IV. Not until

<sup>1</sup> Ibid. 602.

<sup>2</sup> Ibid. 607, 608, 609.

<sup>3</sup> Ibid. 700, 707.

<sup>4</sup> Lowe, *Considerations which induced Edward III to assume the title King of France*.

<sup>5</sup> Rymer, ii. 766, 777, 785.

<sup>6</sup> Ibid. 751; *C.C.R.* (1327-30), pp. 175, 181-2, 313-14, 318, 353, 436, 443, 449, and *passim*.

<sup>7</sup> Rymer, ii. 765.

30 March 1331, seventy-two years after the treaty that had stipulated it, did an English king agree to the precise terms of the homage and recognize it as liege.<sup>1</sup>

Meanwhile, in the Low Countries, where she was indebted for asylum preceding the seizure of the English throne, Isabella saw an opportunity to offset the resources of France and consequently bent her efforts to this end.<sup>2</sup> In pursuance of her policy she arranged the betrothal of her son to Philippa of Hainault, thus establishing a nucleus around which future alliances could be built.<sup>3</sup> It was by her counsel that John of Hainault was engaged to assist the English in their invasion of Scotland,<sup>4</sup> while the duke of Brabant, the counts of Looz, Chiny, and Gueldres, Henry de Boutersem, and others were approached on the subject of offensive and defensive alliances.<sup>5</sup> Commercial quarrels with Bruges, Ypres, and the allied cities were also adjusted, and ambassadors were sent to England at the request of the queen.<sup>6</sup> In Aquitaine she endeavoured to prevent the occurrence of any incident that might lead to war with France, while at the same time she strengthened the bonds between England and the duchy by sending John, earl of Cornwall, to reform abuses there. It too was the focus of diplomatic attempts to secure retainers and alliances for the English crown.<sup>7</sup> The English likewise endeavoured to cajole Alfonso of Castile into an alliance by proposing a match between John of Eltham and the daughter of Marie of Biscay and by attempting to interest him in the question eternally raging over the position of the infidels in the Holy Land.<sup>8</sup>

<sup>1</sup> The whole question of homage is discussed briefly by Gavrilovitch, *op. cit.*, pp. 52-3, and more fully by Déprez, *Les préliminaires de la guerre de cent ans*, ch. iii.

<sup>2</sup> The relations between England and the Low Countries are discussed in detail by Lucas, *The Low Countries and the Hundred Years' War*, but the author has not examined the relevant documents in the Public Record Office.

<sup>3</sup> Rymer, ii. 718, 719; Froissart, ii (4<sup>e</sup> rédition), 190-1; *Istore et croniques de Flandres*, i. 334; Walsingham, i. 179-80.

<sup>4</sup> Froissart, ii (4<sup>e</sup> rédition), 110-11; Knighton, i. 445-6. He was paid for his aid with a subsidy from the clergy in parliament called at the behest of Isabella and Mortimer, with loans from the Bardi, and with money secured by pledging the crown jewels (*C.P.R.* (1327-30), pp. 168, 254, 395, 418; Rymer, ii. 713).

<sup>5</sup> *Ibid.* 744, 749.

<sup>6</sup> *Ibid.* 700, 705, 742, 744, 746, 747.

<sup>7</sup> *Ibid.* 707, 750, 788, 789.

<sup>8</sup> *Ibid.* 736, 773, 790, 793.

After 1330, when Edward began to rule in his own right, the policy towards France was essentially the same as it had been during the regency. Busy at home with the reorganization of government and the war against Scotland, and occupied abroad with the formation of alliances, Edward used every means to establish and prolong negotiations with France until he should be prepared for war. The processes of Montreuil and Périgueux were reopened and feverishly pursued, and envoys constantly kept before Philip of Valois the proposal of a crusade that Edward had no intention whatsoever of undertaking.<sup>1</sup> Time was the important factor; as indicated by the solution of the homage question, English tactics were deliberately to contest every claim and point in litigation, yet finally to accede to the demands of France in order to prevent the outbreak of hostilities until the proper time.

The policy of Edward in the Low Countries and in the states along the Rhine, which resulted in the erection of an almost continuous eastern front from Switzerland to the North Sea, had as its basis two insistent needs: the necessity of counterbalancing the preponderant power of France, both in wealth and population, and of stalemating the French bias of the papal curia at Avignon, particularly that of Jacques Fournier, of the county of Foix, who in 1334 became Pope Benedict XII.<sup>2</sup> It was essentially an effort to balance power

<sup>1</sup> Déprez, *op. cit.*, ch. iv.

<sup>2</sup> Jenkins, *Papal Efforts for Peace under Benedict XII*, contains interesting material on this subject. M. Déprez's thesis, stated in *op. cit.*, ch. iv, that Philip of Valois was duped by the pope to the benefit of the English, seems to be open to question. The bias of the papacy was most pointed in 1337-9, when the invasion of France seemed imminent. In July 1337 the Cardinals Peter and Bertrand were dispatched to prevent that. They were given considerable powers for the purpose: they could issue ecclesiastical censures against any clergymen or laymen who might oppose their mission, place lands under interdict, and deprive clerks of their benefices; they possessed the authority to enforce by public sentences whatever measures they might take to foster peace, and the power to relax penalties when due satisfaction was made; they were enabled to impose censures and penalties against the religious who might say or do anything against peace, and to grant a relaxation of a year or forty days' enjoined penance to penitents who heard sermons preached by or before them. All nobles and governors of cities, castles, and other places in France and England were ordered to assist them, and a mandate was issued forbidding all persons, lay or clerical, to invade either realm (*C.Pap.R.* ii. 537-8). At the same time those powers were issued Benedict was allowing Philip to see all papal communications addressed to England, Jülich, and to Lewis of Bavaria. In October



by the same artifice that Henry III and Edward I had employed. Despite the obvious political differences between the fourteenth and the seventeenth centuries, the principle is quite analogous to that which was to rule Europe after the accession of William III to the throne of England. English relations with other countries followed the same general lines. Briefly, Edward attempted either to form alliances, as with Alfonso of Castile, to ensure neutrality, or to prevent any aid being supplied to his enemies. The last two motives apply particularly to his dealings with the Italian cities and the kingdoms of Norway and Sicily.<sup>1</sup>

When all was ready, Edward lit the fuse by assuming the title to the throne of France.<sup>2</sup> His policy of action culminated in the Hundred Years War and stopped the normal development of the treaty of 1259 at the precise point when this development had almost reached its term.<sup>3</sup>

Benedict required Edward to retract and abstain from all dealings with the heretic, Lewis, and refused Edward's request for licence to make an alliance with the emperor (ibid. 564, 565). In November Edward felt compelled to protest to the pope about a tenth given to Philip, ostensibly for use against Lewis, but evidently equally useful against Edward (ibid. 569-70; Rymer, ii. 1063). Later the pope informed Philip of the full schedule of diplomatic and military provisions drawn up between Edward and the emperor (*C.Pap.R.* ii. 565, 569). In 1338, when the Flemings allied themselves with England, the pope excommunicated them (*Chronique des quatre premiers Valois*, pp. 7-8). In November he threatened to inhibit the archbishops of Cologne and Besançon and the bishops in their sees from paying homage to Edward as vicar of the Empire and to enforce the inhibition with spiritual and temporal sentences (*C.Pap.R.* ii. 571). In 1339 Benedict planned to refuse the dispensation necessary for the marriage between Edward's son and the daughter of the duke of Brabant because he considered the marriage to be injurious to France (ibid. 575). Even after the outbreak of hostilities the pope ordered Edward to drop the imperial title and to raise the siege of Cambrai (ibid. 577). M. Déprez himself shows that the papacy looked askance at Edward's claim to the throne of France. He seems to have trusted too implicitly the material found in Baluze, on which see Mollat's warning in his *Étude critique sur les Vitae paparum Avenionensium d'Étienne Baluze*.<sup>1</sup> Rymer, ii. 917, 932, 946, 947, 949, 961, 1010, 1011.

<sup>2</sup> This ambition was not original with him. A letter of Edward II in 1317 contemplates a claim to the French throne at the time when Charles IV claimed his share of the kingdom upon the death of Louis X. Déprez, 'La conférence d'Avignon (1344)', *Essays presented to Tout*, p. 306.

<sup>3</sup> Details of the diplomatic history of this reign have been worked out by Déprez and Lucas and summarized by Tout, op. cit., ch. xv, and by Cheyney, *Dawn of a New Era*, ch. v. A good background for the economic implications may be found in Pirenne's article, 'Place of the Netherlands in the Economic History of Mediaeval Europe', *Economic Hist. Rev.*, vol. ii (1929); further material is available in *Collected Papers of Unwin*, ed. Tawney, in Unwin's *Finance and Trade under Edward III*, and in de Sturler, op. cit., ch. iv.

## II

### THE KEEPER OF PROCESSES

‘. . . ad saluo custodiendum omnes processus et memoranda ius dicti domini nostri et suorum contingencia, . . . ad scrutandum quedam alia in diuersorum ministrorum dicti regis custodia existencia, . . . et ad informandum ipsos subrogatos super omnibus propositis et ordinatis in huiusmodi negociis . . .’  
—*Instructions to ELIAS JONESTON* (1306).

WITH the enormous increase in diplomatic relations between England and the Continent growing out of the treaty of Paris of 1259, the English government was faced more and more with the necessity of developing some system adequate for the representation of its affairs in the courts of foreign nations. Increasingly significant, at least from the point of view of administration, foreign affairs began to approximate domestic questions in importance and proportion: diplomacy was beginning to assume its modern position as a major department of state. The now familiar figure of the resident consul or ambassador, of course, evolved only with the coming of the fifteenth century; that is, when English envoys were sent abroad, they went on a particular mission and remained for a relatively short period of time. Yet the traditional view that medieval diplomatic practice was a haphazard affair has little basis in fact. The existence of several departments of state, each concerned with some phase of foreign affairs, has confused the modern mind, imbued with ideas of bureaucracy and a clear demarcation of functions, into assuming that where multiplicity of control exists there can be no effective organization. Tout has said that

‘the practical mediaeval mind secured the happy mixture of good breeding and capacity . . . by putting a great nobleman at the head of a foreign embassy, while associating with him a bishop, who had, perhaps, begun life as a chancery clerk, to help out his intelligence, and a chancery clerk or two still on the make, to supply the necessary hard work and technical knowledge.’<sup>1</sup>

Upon the solid foundation of the English clerk, indeed, was built an integral part of the medieval system for the

<sup>1</sup> ‘The English Civil Service in the 14th Century’, in *Collected Papers of T. F. Tout*, iii. 203.

administration of diplomacy. That system grew out of the peculiar circumstances of English foreign relations and flourished as long as these circumstances existed. The very fact that the period from 1259 to 1339 was largely a peaceful one indicates a reliance on the talents of the envoy, who of necessity had either to possess or to have access to knowledge of the most technical character. Comprehension of such matters as homage and the execution of treaties and the ability successfully to pursue suits of English vassals in the Parlement de Paris required an intimate acquaintance with relevant documents and the ability to make use of their contents. English officials, then, found themselves concerned with the organization of archives, and out of their efforts to cope with this problem arose something that may be called an embryonic foreign office.

The three great archives during this period were those of the chancery, the exchequer, and the wardrobe. The separation of chancery from the court was not recognized until the reign of Edward III, so that chancery records were not regarded as a fixture as were those of the exchequer. The latter were occasionally examined by royal writ directing reference to be made *in situ*, but chancery rolls were usually dispatched bodily wherever they were needed. From the end of the thirteenth century those in current use were preserved in the vicinity of the Inns of Court, where the chancery masters and clerks lived.<sup>1</sup> Although the chancery was the ultimate authority for the issue of ordinary diplomatic communications which eventually found their way on to the close and patent rolls, the treasury of the exchequer was the main depository for this class of documents. The treasury was located in the Chapel of the Pyx at Westminster, and during the greater part of the fourteenth century also in an extension at the Tower. Treaties and papal bulls were reckoned among the traditional treasures of the realm and found their place beside them. Early in the history of the exchequer, however, there was a tendency towards specialization, whereby the custody of particular classes of records was entrusted to special officers, such as the exchequer marshal and the keeper of the chancery hanaper, or

<sup>1</sup> Hall, *Studies in English Official Historical Documents*, pp. 19-20.

to other departments.<sup>1</sup> A large number of state documents, often originating in the chancery and exchequer, were for convenience of reference deposited in the wardrobe. There they were in the custody successively of the controller, the keeper, and the treasurer of that department.<sup>2</sup> The treasury of the wardrobe was situated under the Chapter House at Westminster, but after the famous burglary of 1303 it was transferred to the outer chamber next the Black Hall in the White Tower. Sometimes solemn instruments were drawn up in triplicate, so that the wardrobe, the treasury, and the chancery might each keep a copy.

The distribution of documents essential to the conduct of diplomatic negotiations among three departments of government was obviously inconvenient and unsatisfactory. Earlier conditions were even more chaotic; frequent entries on the close rolls reveal the habit of dispersing records, even to the extent of entrusting three or four documents to the care of one person.<sup>3</sup> The first instance of an attempt to remedy such a state of affairs was the appointment of John of St. Denis, one of the king's clerks, as keeper of papal bulls from 1268 to 1288. Nothing is known of the organization of the office, however, and John was occupied with a great many other duties by virtue of his position as a member of the regular staff of chancery and as one who was entrusted with financial missions for the king. The one occasion on which he rendered service as keeper is represented by a list of bulls that appears to have been drawn up in order to justify Henry III's collection of a tenth of ecclesiastical property estimated according to the Norwich taxation of 1254.<sup>4</sup> The keepership of papal bulls represents a transitory experiment

<sup>1</sup> Hall, *op. cit.*, p. 23.

<sup>2</sup> Tout, *Chapters*, ii. 36 and n. 2. Cf. Kingsford, 'John de Benstede and his Missions for Edward I', in *Essays presented to R. L. Poole*, p. 334.

<sup>3</sup> e.g., 'Memorandum, that the chancellor delivered into the king's wardrobe at St. Albans, on the day of the Circumcision (1 January 1296), to Sir H. de Neuwerk, dean of York, who is going as the king's envoy to parts beyond the sea to treat for peace and truce between the king and the king of France, four rolls, to wit three relating to the truce between the king of France and the king of Aragon and the fourth relating to the truce between the late king and the king of France of that time; on condition that he shall cause answer to be made to him for them.' *C.C.R.* (1288-96), p. 505.

<sup>4</sup> Johnson, 'The Keeper of Papal Bulls', in *Essays presented to Tout*, pp. 135-6.

in the care of records and the memory of it may have lingered in the minds of English officials. At any rate, the frequency and complexity of foreign relations soon made it necessary to devise some method whereby important documents could be brought under one control and made available to envoys either before they set out on embassies or when they needed to consult them abroad. The council took the matter in hand by appointing an officer known in the records as the *Custos quorundam processuum et memorandorum regis ducatum suum Aquitanie tangentium*.

The first to hold that office was Master Philip Martel, king's clerk and professor of civil law. In 1299, together with John Havering, he acted as a messenger from the king to the archbishop of Canterbury.<sup>1</sup> As is so often the case, there is no indication of the purpose of his mission other than 'to expound to him on the king's behalf concerning certain things that the king has much at heart'. It probably related to the increasing difficulties between the king and the primate arising from the pope's claim to the overlordship of Scotland. According to an entry in the wardrobe book for the year 29 Edward I, the clerk stayed with the king at Northampton and at Lincoln for three months (December 1300 through February 1301) on some business connected with Scottish affairs.<sup>2</sup> In 1301 the king gave him ten oaks fit for timber with all their strippings from the forest south of Dene, an indication that he was already established in the royal favour.<sup>3</sup> In August of the following year he received respite for his debts and protection for the first of several missions to the court of Rome.<sup>4</sup> The credence to Boniface, in which Martel is termed D.C.L., reveals that he went to hear the pope's pronouncement concerning the re-establishment of peace with France and to work for the expeditious conclusion of this matter.<sup>5</sup> As a result of that mission

<sup>1</sup> C.C.R. (1296-1302), p. 301.

<sup>2</sup> App. i, no. 1. The payment of his expenses is listed among the *necessaria*. Later, in 1305, Martel was assigned to treat with the Scots (*Rot. parl.*, i. 267).

<sup>3</sup> C.C.R. (1296-1302), p. 424.

<sup>4</sup> Ibid., p. 596; C.P.R. (1301-7), pp. 54, 55, 60. He was accompanied by Henry Sampson and Master John de Sancto Claro.

<sup>5</sup> C.C.R. (1296-1302), p. 600; Rymer, i. 943. The appointment is in C.P.R. (1301-7), p. 62.



he was instructed to prepare a report on relations with France for the information of the council. Martel's order involved giving advice on how the quarrels between the king's subjects and those of the king of France might be ended before Edward set out for the Continent and outlining terms upon which peace should be made, paying due regard to the papal pronouncement and to the preservation of the ancient privileges and customs of Gascony.<sup>1</sup> A subsequent journey to Rome in 1305 was probably concerned with the same general question, although the primary purpose was to carry to the pope a complaint from Edward against Archbishop Winchelsea.<sup>2</sup> In October 1304 Martel had been directed to accompany Edward, prince of Wales, whom the king proposed to send to France to do fealty for the duchy of Guyenne, and to him fell the task of making excuses to the French king when the ceremony was postponed.<sup>3</sup>

The clerk received the first appointment involving his position as archivist on 28 January 1304. With Sir Robert Burghersh, constable of Dover Castle, he was to go to Calais a fortnight after Easter at the latest, to make an inquisition, in conjunction with deputies appointed by Philip of France, touching depredations committed by the men of Calais and of the Cinque Ports on one another.<sup>4</sup> In June further instructions directed him to go personally to the king of France to demand and receive full satisfaction for the losses inflicted on the English. The schedule attached to that appointment was a commission of oyer and terminer enabling him to settle the matters 'for the benefit of such as are willing to bring their actions before the commissioners'.<sup>5</sup>

<sup>1</sup> D.D.C. 27/3/51, a copy of the time of Edward III.

<sup>2</sup> *C.C.R.* (1302-7), p. 351; Rymer, i. 975. There are similar credences in *C.C.R.* (1302-7), p. 353, in *C.P.R.* (1301-7), pp. 384, 387, and in Rymer, i. 974, in the same year, in which Martel is described as a canon of Chichester. *C.Pap.R.* ii. 28 records the cassation of all proceedings taken by the clerk in a cause heard on appeal against the abbot of Bardney, and the revocation of a suit between Martel and the bishop of Lincoln to the apostolic see; the date is 1307, a year after the clerk's death.

<sup>3</sup> D.D.C. 27/5/28; *supra*, p. 10. His expenses were to be paid out of the prince's wardrobe (*C.C.R.* (1302-7), p. 174).

<sup>4</sup> *C.P.R.* (1301-7), p. 208.

<sup>5</sup> *Ibid.*, p. 237; cf. *C.C.R.* (1302-7), p. 196, and Rymer, i. 961. The mandate for letters of credence is in *C.C.W.* i. 225-6. Roger Sauvage replaced Burghersh, who was delegated to remain in England to dispatch the twenty ships that Edward I had promised the French king for use against Flanders. Martel's account with the

The lack of any power to force arbitration on claimants rendered the appointment ineffective, and a second was made in April 1306.<sup>1</sup> The letters issued on that occasion to Martel and Sir John Bakewell represent the part played by the English in setting up the process of Montreuil. With two others to be appointed by the French, they were assigned to inquire into losses incurred by merchants and others in both realms since the peace of 1303 or during former truces. Doubtful cases were to be referred to the two kings, Philip and Edward, as had been ordained before Pope Clement. A schedule attached to the appointment empowered the English deputies to go with the two from France to places concerned in the claims, to make inquiries in such places, and to compel full restitution to be made to French merchants, on condition that the French did the same.<sup>2</sup>

When the representatives met, however, certain difficulties arose that compelled the English to consult their king before continuing the negotiations. Since the proceedings at Montreuil had been set up by Clement V, Edward thought it advisable to lay the whole matter before the papal curia. Accordingly, he dispatched Martel to the court of Rome in July 1306 to request a new bull with certain amendments in the commission.<sup>3</sup> It was Martel's last diplomatic mission, for he died at Bordeaux on 21 September.<sup>4</sup> The bull he was sent to obtain was not issued until after his death: in letters patent of 19 May 1313 Henry, dean of St. Wulfram's, Abbeville, professes readiness to swear in two commissioners to renew the process of Montreuil on behalf of the king of England, by virtue of a bull of Clement V, dated at Avignon on 21 May 1309.<sup>5</sup>

wardrobe shows him to have been absent on the two missions from 7 April to 6 May and from 5 July to 25 October 1304 (App. i, no. 2).

<sup>1</sup> D.D.C. 27/5/12; *C.P.R.* (1301-7), p. 427.

<sup>2</sup> There is an interesting letter from Martel, at Montreuil, to William Hamilton, the chancellor, dated 25 May 1306, relating to a claim by certain merchants of Berwick against certain men of Zeeland for robbery of their ship. The claim had been wrongly made at Montreuil, and Martel asked the chancellor to have it considered and adjusted by the council. *Anc. Cor.* xxv. 206.

<sup>3</sup> *C.P.R.* (1301-7), pp. 448, 453.

<sup>4</sup> The account was settled in the wardrobe by his brother and executor, John Martel, in March 1316. It shows Philip to have been abroad from 25 September 1305 to 10 April 1306, and from 13 July to 21 September 1306. App. i, no. 3.

<sup>5</sup> D.D.C. 27/8/28.

On 4 October 1306 an order in council at the exchequer provided for the appointment of some person 'a garder et a complir les couenas des trewies et des pees faites et assinees entre le dit aiel (Edward I) et ses ancestres dune part, et les roys de France et ses ancestres dautre', and to act as proctor, envoy, and advocate at the papal curia.<sup>1</sup> On the same day the clerk of Philip Martel was named as his successor. In the little exchequer at Westminster, in the presence of the treasurer of the wardrobe, the chancellor, and the barons of the exchequer, Sir John Bakewell instructed Elias Joneston in the duties of the office.<sup>2</sup>

As clerk of Philip Martel and as keeper of documents himself, Joneston very early acquired an intimate knowledge of Gascon affairs. In 1310 he filed petitions to the king, in all probability containing suggestions regarding the opening of the process of Périgueux.<sup>3</sup> The petitions were referred to John Sandall, then treasurer of the exchequer, who was ordered to inspect them and to act upon them 'for the king's benefit and the promotion of his affairs in Gascony'. If Sandall thought it expedient, Joneston was to go to Gascony as adviser to the official representatives, John, bishop of Norwich, and John, earl of Richmond, and their colleagues. The king said he had been informed that unless Joneston, who had had charge of such affairs for a long while, went to Gascony, royal interests there might be injured and retarded.<sup>4</sup> Accordingly, Joneston crossed over to the Continent in the company of Roger Wadenho, Master Thomas Cobham, and Richard Plumstock, to play an important role in the subsequent negotiations.<sup>5</sup>

His years in the king's service were rewarded from time to time with benefices. In 1322 the king obtained for him the church of Waldershare in the diocese of Canterbury. Two years later he was presented to the churches of St. Nicholas, Guildford, in the diocese of Winchester, and St.

<sup>1</sup> D.D.C. 28/3/38, a copy of the time of Edward III.

<sup>2</sup> D.D.C. 27/11; cf. D.D.C. 28/1/22.

<sup>3</sup> C.C.W. i. 374.

<sup>4</sup> C.C.R. (1307-13), p. 293.

<sup>5</sup> Joneston is here described as having prosecuted the affairs of *surprise* (breaches of peace) and *interprise*. The expenses for the journey abroad were paid by the exchequer; those for the stay in Gascony by the regular accredited representatives (*ibid.*, p. 289). Letters of protection are in C.P.R. (1307-13), p. 224.



Mary's, Cambridge, in the diocese of Ely.<sup>1</sup> In 1330 he exchanged the latter for the church of Bexwell in the diocese of Norwich.<sup>2</sup> But such evidences of royal favour were more than counterbalanced by the difficulty Joneston had in obtaining the settlement of his accounts.<sup>3</sup> In 1318 the treasurer and barons of the exchequer were ordered to account with him for the wages and robes allotted to him in his office: two shillings a day when travelling abroad, one shilling a day while in England, and two pounds yearly for his robes. A similar order went to the keeper of the wardrobe in 1323.<sup>4</sup> Neither department seems to have taken any action, however, for after the accession of Edward III Elias petitioned to have his wages allowed at the exchequer or to have them charged on the constable of Bordeaux.<sup>5</sup> His reason for the latter request was that since his business particularly concerned Aquitaine the costs should be paid by the constable. In support of his argument he brought to the attention of the treasurer and barons of the exchequer an ordinance of 17 Edward II (Westminster 1324) to the effect that the exchequer was not held to account with clerks engaged in following processes in the Parlement de Paris, but only with 'solempnes messages'.<sup>6</sup> At the same time he petitioned the council for his wages, and letters were sent to the exchequer ordering the treasurer and barons to execute an old writ of 21 March 1316 directing payment of his salary.<sup>7</sup> After examining the writ of Edward II the barons replied that, although no account had been made with Joneston at the exchequer, he had received money regularly from

<sup>1</sup> *C.P.R.* (1321-4), pp. 115, 363, 365. As vicar of St. Mary's, Joneston was ordained deacon by Hamo de Hethe, bishop of Rochester, in the parish church of Stone in that diocese on 1 June 1325 (Register of Hamo de Hethe, at Rochester, fol. 68b). I owe this reference to Mr. Charles Johnson.

<sup>2</sup> *C.P.R.* (1327-30), p. 540.

<sup>3</sup> *Anc. Pet.*, file 167/8303, 8338, file 200/10000, file 203/10101, file 218/10886, file 272/13600, file 290/14455, file 339/15999, as well as *Anc. Cor.* xxxv. 22, are petitions to the king and council, to the chancellor, and to Queen Isabella concerning this matter. Cf. *Rot. parl. ined.*, p. 56.

<sup>4</sup> *C.C.R.* (1318-23), pp. 39, 634. The council had determined the amount of his wages.

<sup>5</sup> *D.D.C.* 28/1/12; cf. *Anc. Pet.*, file 289/14443.

<sup>6</sup> *D.D.C.* 28/1/13. *Ibid.* 28/1/14 contains reasons why his salary might be more conveniently charged on Guyenne, but the writing has almost entirely faded.

<sup>7</sup> *D.D.C.* 28/1/15.

the wardrobe.<sup>1</sup> In April 1333 another writ ordered John Travers, constable of Bordeaux, to pay the clerk's wages.<sup>2</sup> Within the next three years Joneston met with some success in his efforts, for his last petition, in 1336, mentions a previous accounting at the exchequer, and he had already made an account in the exchequer at Bordeaux.<sup>3</sup> His final appeal, after more than thirty years of service, is a rather pitiful plea that he was in sore financial straits because he had been unable to enjoy the living from his church at Cambridge. A writ to the treasurer and barons in October 1336 evidently cleared up the whole matter, for there is no further mention of it in the records.<sup>4</sup> In answer to a petition presented at about the same time, the council allowed him leave to go to the court of Rome 'to pursue a grace' granted to him during the reign of Edward I.<sup>5</sup> Most of his difficulties seem to have arisen from the reorganization of the accounting system that took place during the reigns of Edward II and Edward III.<sup>6</sup>

Towards the end of his career Joneston petitioned the chancellor to appoint some one to assume the duties of his office, which were becoming too onerous and dangerous for him; by this time he must have been almost sixty years of

<sup>1</sup> D.D.C. 28/1/16, 17.

<sup>2</sup> D.D.C. 28/2/57.

<sup>3</sup> D.D.C. 28/4/5 and 28/2/20. There is no record of the accounting at Bordeaux, but his first account covers a period from 8 July 1309 to 25 February 1332 (Pipe 6 Edw. III, m. 51).

<sup>4</sup> C.C.R. (1333-7), p. 615. The second account covers a period from 25 February 1332 to 2 October 1336 (Pipe 11 Edw. III, m. 39).

<sup>5</sup> 'Item, qe le dit Elis eit conge daler a la court de Rome appursuire vne grace a lui grauntee en la dite court en temps lael nostre dit seignur, et qil eit lettres nostre dit seignur a tesmoigner la destourbaunce quaut a la suite de la dite grace qil ad eu par enchainoun del service nostre dit seignur et de soun dit piere, del an quint de soun regne tank ore, pur la dite grace renoueler ou chaunger en lieu meillour, et pur altres certoyns enchainouns' (Anc. Pet., file 203/10101). Cf. Anc. Cor. xxxvii. 57, a letter to Joneston from Reginald, his chaplain, regarding the difficulties connected with his church. The grace mentioned here probably refers to a benefice granted to Joneston by virtue of the bull *Constitutus in presentia* of Clement V, dated 2 Ides January (12 January) 1306. The bull is an order to the bishop of Coventry to cause provision to be made to Elias Joneston, a poor clerk of his diocese, of a suitable benefice in the city or diocese of Coventry in the collation or provision of the archbishop of Dublin, if and when such should be vacant (Papal Bulls, 44/19). Bishop Langton appointed Philip Martel to execute the bull on 20 March (*idem*), and Martel reported the execution of the commission on 17 April (*ibid.* 44/1).

<sup>6</sup> *Infra*, pp. 118-19.

age.<sup>1</sup> Accordingly, on 4 November 1332 he was ordered to attend at the exchequer and in the presence of the treasurer and chamberlains to deliver by indenture to Master Roger Staunford the processes in his custody relating to France.<sup>2</sup>

There is some doubt, however, whether his successor actually assumed the office until 6 October 1336.<sup>3</sup> Another writ, dated 10 October 1333, directed Elias Joneston to deliver all processes and memoranda relating to Aquitaine to Master John Piers, clerk, 'in whose fidelity the king has confidence'.<sup>4</sup> The writ was probably never executed, because Piers and Andrew Ufford, to whom the custody of processes was offered, refused to accept the responsibility. They argued that the king would be forced to grant a disadvantageous peace to the Scots or to conclude a truce that would increase his subjection to France unless well-informed (*suffisaunz*) clerks were appointed to attend to the king's affairs. Processes in the court of France had become so rigorous that the seneschal of Gascony could no longer maintain the ancient franchises and customs of the duchy, and many nobles by force of necessity were on the point of submitting to the king of France. Representatives of that king were entering the cities and castles of Gascony to execute the *arrêts* and condemnations of the Parlement de Paris, and if refused entrance they resorted to arms and annexed the conquered territory to the kingdom of France.<sup>5</sup> Staunford's tenure of office lasted only from 6 October 1336 to 1 February 1339, since the need for further negotiations was stifled by the outbreak of war.<sup>6</sup> Edward III completely broke with the methods of his three predecessors, for all

<sup>1</sup> D.D.C. 28/2/20 and 28/4/7; cf. Anc. Cor. xxxvii. 100 and xxxviii. 83. The latter also asks that his records be put in safe-keeping.

<sup>2</sup> D.D.C. 28/2/54; cf. C.C.R. (1330-3), pp. 442, 511-12, and Anc. Cor. xxxii. 112. Joneston had apparently suggested Staunford as his successor (D.D.C. 28/8/21, 24). A memorandum of 6 October 1336 notes the delivery of documents by Joneston to Staunford in the chancery at London, in the presence of John Piers, of the treasurer and chamberlains (*ibid.* 28/10/7; cf. E.A. 333/11).

<sup>3</sup> Joneston's account ends on 2 October 1336 and Staunford's account begins on 6 October.

<sup>4</sup> C.C.R. (1333-7), p. 72. Anc. Pet., file 117/5850, is a petition from Joneston to the king and council asking that proctors be appointed in cases pending before the court of France. The reply, *in dorso*, appoints John Piers and orders Joneston to supply the relevant documents.

<sup>5</sup> D.D.C. 30/5/14.

<sup>6</sup> Pipe 12 Edw. III, m. 53, and E.A. 166/9.

traces of the office of keeper of processes disappear from the records on the eve of hostilities. Staunford died about the year 1345 at the church of St. Peter, Stamford, of which he was parson.<sup>1</sup>

Those, then, were the clerks who filled the office which existed roughly for thirty-five years. Organization centred around them as keepers of the documents. Elias Joneston himself was the clerk of Philip Martel, and it is reasonable to suppose that Martel had more than one clerk under him.<sup>2</sup> Joneston's accounts indicate that he had, at least from the year 1324, two clerks as his assistants, in addition to messengers for use on the Continent. The clerks had actual custody of the documents, and superintended the transportation of them by horses. It may be that they were also employed to transcribe charters, letters, and documents wanted by the keeper, business that suggests a close connexion with the wardrobe. Joneston's accounts, running from 8 July 1309 to 2 October 1336, reveal that he actually accounted in the wardrobe from July 1311 to July 1313 and from July 1314 to July 1323. During that time he received £64. 6s. from the wardrobe, and held debentures amounting to £63. 12s. 2d., of which £28. 8s. was later paid to him in the exchequer.<sup>3</sup> In other years his receipts from the wardrobe were about half as great as those from the exchequer, £34. 18s. from the former and £60. 0s. 4d. from the latter. Other moneys, amounting to £43. 7s. 4d., came from various sources: the constable of Bordeaux and the receiver in Ponthieu; the archbishop of Canterbury and the bishop of Norwich; the wardrobes of the queen, the earl of Kent, and the earl of Chester; and from two private persons, John Vane and Peter Galeys. Expenses were more than half again as large as receipts, the total outlay being £398. 3s. 11d. Of that amount £348. 17s. went for his wages and £49. 6s. 11d. for *necessaria*. The necessary expenses included such items

<sup>1</sup> *C.P.R.* (1343-5), p. 374.

<sup>2</sup> His accounts record expenses 'pro passagio suo, hominum et equorum suorum'. App. i, nos. 2, 3.

<sup>3</sup> App. ii, nos. 2-5; Ward. Debent., file 481/125, file 483/251, 435, and file 484/118, 194, 276, 401, 593. These records show him to have been absent from England in April 1314, in June and July 1320, and in March and April 1323.

as boat-hire, portage, pontage, customs, transportation and transcription of documents, and the robes of his office.<sup>1</sup>

Staunford's account is very brief: it covers a period from 6 October 1336 to 1 February 1339. The only receipt was £5 from the exchequer. Of a total expenditure of £47. 17s., wages amounted to £42. 9s., robes to £5, and transportation of documents to 8s.<sup>2</sup>

Four deliveries, spread over a period from 1317 to 1333, between Elias Joneston, the exchequer, and various clerks, afford a clue to the extent and nature of archives in the custody of the keeper of processes. On 10 June 1317 Joneston delivered to the treasurer and chamberlains of the exchequer documents that fall into five large classes.<sup>3</sup> The first group consisted of pieces relating to the process begun at Montreuil and Bayonne by Master Philip Martel and Sir John Bakewell. Among them were papal bulls setting out the procedure the commissioners were to observe in taking their oaths, followed by the relevant appointments by the kings of England and France. It includes ordinances of the proc-tors regarding appellants and the respective claims of the French and English, pointing out the course of the investigation, and a public instrument relating its adjournment. A bull of Clement V and letters of the two kings concerning the resumption of the processes precede another public instrument containing a summary of proceedings at Montreuil for use at the subsequent process of Bayonne. There were similar public instruments recording the demands and replies of English envoys at Bayonne and a letter of adjournment of the Bayonne process. Finally, there were records of four processes on the completion of peaces with transcripts of the same, on seizures and excesses, and on the bastides of Libourne and Agenais. The second group consisted of eleven public instruments on the terms and execution of

<sup>1</sup> App. ii, no. 1.

<sup>2</sup> App. iii.

<sup>3</sup> D.D.C. 27/14, partly printed by Palgrave, *Antient Kalendars and Inventories of the Exchequer*, iii. 116-22. Cf. D.D.C. 28/10/1, 4 and Cotton MS. Julius E. i, fos. 269-72; the latter is a complete copy. The documents were returned to Joneston, some being redelivered by him on 10 February 1336, and others being delivered to Master Andrew Offord on 6 May 1336. There is a memorandum of an earlier delivery, on 4 October 1314, of certain documents received from Roger Sheffield in the wardrobe to be delivered by Joneston to Richard Braughton and Henry of Canterbury, but the list is not given (D.D.C. 27/8/33 and 30/5/15).



treaties and ordinances between France and England and included rolls and public instruments of Périgueux, as well as appeals of vassals to the court of France. The third class of documents related to Gascony, and most of these later found their way into a calendar.<sup>1</sup> Some concerned the internal government of the duchy, such as inquisitions and information about services, laws, and customs; others catalogued Anglo-French relations there, particularly the remission of penalties. The fourth group covered the same material for Aquitaine and added accounts of the *arrêts* and ordinances of the Parlement de Paris. The last group consisted of transcripts and indentures in the possession of various persons, including Joneston himself.

On 23 May 1329 at Westminster Joneston received various letters, instruments, and rolls pertaining to Aquitaine and other lands and islands of the king.<sup>2</sup> He was

<sup>1</sup> *Infra*, pp. 77 ff.

<sup>2</sup> 'Memorandum quod xxiiij die Maij anno regni regis Edwardi tercij post [conquestum tercio thesaurarius et camerarii scaccarii liberauerunt] apud Westmonasterium Elye de Ioneston', clerico, processus, litteras, instrumenta, rotulos. . . . Aquitaniam et alias terras ac insulas dicti regis tangencia, liberanda venerabili patri H. dei gracia [Lincolniensi episcopo, domini regis] cancellario, vel illi qui per consilium dicti regis fuerit nominatus apud Cantuariam vel Douoriam. Et si [idem nominatus ea recipere] noluerit, ponenda vbi dictus cancellarius duxerit ordinandum, vel ad dictos thesaurarium et camerarios reportanda. In primis recepit omnes processus Monstrolli et Petragoris inter Anglie et Francie reges quondam et nuper inchoatos, contentos in quinque puchis extractis a noua cista de negociis Vasconie in Turri London' existente, de secunda particula calendarii inde facti, et etiam puchas predictas; videlicet, primam signatam per *L*, secundam per *M*, terciam per *N*, quartam per *O*, quintam per *P*. Item, sex libros et viginti et quatuor instrumenta pupplica; videlicet, tria de transcriptis pacum inter Anglie et Francie reges, et cetera de compromissis eorum et de graciis et de factis Iudeorum et aliis factis diuersis. Item, vnam pucham de actis parliamentorum Francie in causis quondam et nuper inchoatis. Item, vnum hanaperium continens commissiones patris domini nostri regis super resumpcione processuum super pacis conseruacione et complemento inter Anglie et Francie reges, et quasdam alias litteras diuersas. Item, de prima particula coffinum ligneum signatum per castrum, cum septem litteris in eodem contentis. Item, vnum kalendarium factum per dominum Walterum de Stapilton', nuper Exoniensem episcopum, thesaurarium, ad informacionem aduocatorum et procuratorum assignatorum ad defensionem iuris in [causis nuper] contra ipsum inchoatis et terram Vasconie et alias terras suas in partibus transmarinis existentes, ac insulas in mare Anglie tangentibus, ac ad informacionem senescalli Vasconie et constabularii Burdegal' super bono regimine terre Vasconie predictae. Et tenetur idem Elias respondere dictis thesaurario et camerariis, vel nominato predicto, de omnibus per *A*. thesauraria predicta extractis et sibi per indenturam liberatis; postea recepit predictus Elias de Ioneston' de prefato thesaurario et camerariis quondam saccum de corrio precij iij*s*. jd*l*. ad imponendum memoranda

instructed to deliver them to certain persons at Canterbury or Dover whom the council had named, and to return them to some place to be specified by the chancellor, or to the treasurer and chamberlains. He was given the processes begun at Montreuil and Périgueux 'contained in five pouches taken from the new box of Gascon negotiations existing in the Tower and included in the second part of the calendar made thereof'. Those documents came from the archives of the exchequer, and many of them were similar to the ones he had surrendered there in 1317. Besides individual pieces, which he carried in a leather sack, Joneston was actually given custody of Bishop Stapeldon's Gascon calendar.

Joneston made another transfer in January 1330, this time to Henry of Canterbury at Westminster in the presence of the chamberlains, in accordance with an order in council. In addition to transcripts of treaties between England and France, Henry received the form of homage done by Edward I and a citation and adjournment of homage by Edward II. Other miscellaneous items included a letter of Edward I on the marriage of his son to Isabella of France and the record of an interview between French ambassadors and Edward II.<sup>1</sup>

A draft receipt for certain documents to be handed over to John Piers in September 1333 shows that Joneston's archives extended even farther back than the treaty of 1259.<sup>2</sup>

*predicta, de quo tenetur respondere. Item, liberantur eidem Elye super expensis suis versus Douorriam xiijs. iiijd.* (D.D.C. 28/1/23). The documents were returned by Joneston to the treasurer and chamberlains at Westminster on 10 June 1336 (*ibid.* 30/5/15).

<sup>1</sup> D.D.C. 28/2/29. This will be printed in a forthcoming article on Henry of Canterbury.

<sup>2</sup> 'Memorandum quod . . . die Septembris anno regni regis Edwardi terciij post conquestum vij<sup>o</sup> apud . . . magister Iohannes Piers recepit a magistro Elia de Ioneston' virtute brevis regij cuius transcriptum presentibus est annexum processus, instrumenta, rotulos, litteras, cedulas, et memoranda infrascripta. In primis recepit tria instrumenta publica super tractatibus pacum inter Anglie et Francie reges indorsata; videlicet:—Primum instrumentum super pace regis Ricardi facta Mesane. Secundum, super pace dicti regis Ricardi facta inter Gallion' et Vallem Rodolii. Tercium, super pace regis Iohannis facta apud Galetto', que idem Elias recepit a domino W. de Melton', archiepiscopo Eboracensi et thesaurario scaccarij. Item, dominus Norwicensis habet:—vnum instrumentum super pace Lodouici facta Parisius, sibi liberatum per dictum Eliam de mandato thesaurarii scaccarij. Item, idem magister Iohannes recepit x instrumenta publica super pacibus subsequentibus; videlicet:—Primum, super pace Philippi, filii eiusdem Lodouici, facta Ambian'

The receipt mentions three public documents on treaties with France, two entered into by Richard in 1191 and 1195 and one by John in 1200, which Joneston had received from Archbishop Melton, treasurer of the exchequer.<sup>1</sup> With them were eleven public instruments concerning the treaty of 1259 and various aspects of all subsequent treaties, and twenty-five similar instruments relating to the process of Périgueux.

Similarly, the documents kept by Roger Staunford covered an extensive variety of subjects, as is apparent from an indenture that specifies the books and manuscripts handed over to Staunford when he took office on 6 October 1336. The collection embraced five Gascon registers, pieces relating to the processes of Montreuil, Périgueux, and Agen, acts, petitions, delays, appeals, and cases in the Parlement de Paris, besides a prorogation of homage, a record of excesses committed in Périgord, a public instrument concerning Scotland, and a letter from the king of Castile renouncing his claim to Gascony.<sup>2</sup>

super reddicione terre Agenn'. Secundum, super reddicione terre predictæ. Littera regis Edwardi de pace facta Ambian'. Tercium, super concessione trium milium librarum rendualium pro remissione calumpnie regis Anglie quo ad terram Caturcini. Quartum, super reseruacione iuris regis Anglie ne dicta remissio sibi preiudicet ante assisiam concessionis predictæ. Quintum, super pronunciacione Bonifacij pape. Sextum, super confirmacione pacis factæ apud Monstroll'. Septimum, super ratificacione vltime pacis Parisius factæ. Octauum, super ratificacione confederacionis Parisius inite inter Anglie et Francie reges. Nonum, super declaracione modi confederacionis predictæ. Decimum, super ratificacione et confirmacione vltime pacis Parisiensis predictæ, factæ per Anglie et Francie reges, factis apud Boloniam, et recitacione homagij per regem Anglie ibidem facti. Item, xxv instrumenta publica super processu pacis complementi per commissarios regum hincinde Petragoris inchoato; videlicet, xiiij instrumenta publica scripta manu Arnaldi de Motis et x scripta manu Gaufridi de Bosco, et ij scripta manu Vitalis Beraudi. Item, iiij instrumenta publica de appellacionibus et submissionibus factis curie Francie per procuratores et ministros ducis Aquitanie in [pro]cessu de supprisij et excessibus Petragoris inchoatis; videlicet, ij instrumenta scripta manu Gaufridi de Bosco, et alia [ij scripta] manu Bertrandi de Fonte.' D.D.C. 28/2/40

<sup>1</sup> Rymer, i. 54, 66, 79.

<sup>2</sup> 'In primis, v libros litteris alphabeti signatos coreo viridi coopertos de regimine ducatus Aquitanie; videlicet, primum signatum per *A* continentem cclvj folia, item alium signatum per *B* continentem cxlvj folia scripta, tercium signatum per *C* continentem ccliij scripta xiiij pargamena, quartum signatum littera *D* continentem cclxv folia scripta et tria pargameni (*sic*), quintum signatum per *E* continentem lxx folia scripta tantum, quando Rogero de Staunford' tradebantur in custodia.

Item, vnum librum in coreo velluto ligato continentem <sup>xx</sup> iiij x folia scripta. . . .



Fortunately, two memorandum books of Elias Joneston are preserved in the Public Record Office, which throw much light on the range of activities of the *custos processuum* and the use he made of the archives in his possession. The first is a manuscript of six folios containing documents belonging to the years 1306–18.<sup>1</sup> It begins with a petition from Joneston to the chancellor, asking that he use his influence to obtain the appointment of others who would relieve the clerk of his duties. The first petition includes a record of Joneston's appointment to the keepership, which makes it possible to suggest a date for the composition of the book. It is clear, in the first place, that the book was written in the reign of Edward II, for the appointment occurred in the

Item, j pucham de actis parliamentorum regis Francie continentem xiiij rotulos signatos per O litteram, primum xxvij peciarum, secundum xvj peciarum, tercium xiiij peciarum, quartum x peciarum, quintum ix peciarum, sextum ix peciarum, septimum viij peciarum, nonum (*sic*) vij peciarum, decimum trium peciarum, vndecimum ij peciarum, duodecimum ij peciarum, terciodecimum j pecie. Item, j pucham vij instrumenta pupplica scripta manu magistri G. de Bosco, super processu pacum Petratoris inchoato. Item, aliam pucham continentem xj instrumenta pupplica sub manu A. de Motis, de processu super pacis complemento Petratoris inchoato. Item, duo instrumenta puplica scripta manu W. Beraudi. Item, vnum instrumentum puplicum Andree de Tange super reddicione terre Scocie. Item, duo instrumenta pupplica super petitionibus episcopi Exoniensis factis regi Francie super pacum complemento. Item, vnum instrumentum puplicum super delacione facta appellacioni per magistrum Austencium Iordani facte. Item, vnum instrumentum pupplicum recusacionis. Item, vnum instrumentum puplicum super appellacione. Item, duo instrumenta pupplica super iure dicti regis in castro Montis Pesati et appellatio interiecta ad curiam Francie a proclamacione armorum. Item, duo instrumenta puplica de factis magistris R. Eriom et R. de Gloucestre et tractatibus habitis. Item, xxij rotulos de excessibus et inobedienciis Petratoris contra ministros regis Anglie propositis et quatuor cedulas annexas quorum vnus rotulus continens viginti quatuor pecias, alius xvij pecias, tercius xv pecias, quartus xij pecias, quintus xj pecias, sextus viij pecias, duo quilibet vij pecias, vnus v peciarum, tres iiij peciarum, quatuor quilibet trium peciarum, sex quilibet duarum peciarum. Item, vnum rotulum viij peciarum de nouo processu Agenn'. Item, vnum rotulum ix peciarum continentem materiam duarum guerrarum tempore patris. Item, vnum cophinum ligneum cum quinque litteris sigillatis sigillo regis Castelle de quietaclamacione terre Vasconie et vnam litteram nunciorum dicti regis Castelle super facto predicto. Item, vnum rotulum viij peciarum de petitionibus regis Anglie et responsionibus ad easdem factis Pictau'. Item, vnam litteram Karoli, regis Francie et Nauuarre regis, de prorogacione homagii. Item, vnam litteram cum ix sigillis super prorogacione homagii regi Francie faciendi. Item, duas puchas, quarum vna continet viij rotulos paruos super processu diuersarum bastidarum Agenn' et transcriptum testamenti comitis Pict' et alia pucha continet xv rotulos et cedulas de processu comitis Marchie' (D.D.C. 28/10/5). Ibid. 28/10/6 is a partial copy. For the documents on Montreuil listed in the indenture see *infra*, p. 70 n. 2.

<sup>1</sup> D.D.C. 27/11.

reign '*patris domini nostri regis*'. There is also mention of a petition presented by Joneston 'in penultimo parlamento', that was answered '*respondebitur coram rege et magno consilio*'. Now the only petition Joneston is recorded to have made in parliament took place in the assembly held at Westminster in August 1312. That petition was answered, 'Quant les autres clerks qe sont ordenez dentremettre des busoignes de Gascoigne vendront, le roi serra auisez par eux de queux seruisse et peniblete les ditz Elys et Roger [de Wadenho] li ont seruy et leur ferra due reguordon solom lour desser et solom lour demande.'<sup>1</sup> Finally, Joneston remarks that '*ad dictam petitionem in ultimo parlamento nichil erat responsum*'; this would mean the Hilary parliament of 1315. Having identified the petition with those two parliaments, it follows that the document must have been written some time between February and December 1315; that is, before the Hilary parliament of 1316.

Unlike the second memorandum book, the first appears to be essentially a report by Joneston to the council on his activities, perhaps drawn up in support of his petition. It is incomplete, for the original plan as outlined at the beginning was to include ten items: A. Form used by Martel and Joneston in examining processes and memoranda. B. Principal results to be sought in negotiations. C. Acts and arrangements approved by Masters W. de Sardene and R. de Branton as being a suitable way of proceeding to achieve those results. D. Ordinances of Gascon advocates at the Parlement de Paris disapproved of by Martel, Sardene, and Branton. E. Secret reasons for observing the form of a process to bring about the aforesaid results; these are either to be deliberately revealed to the king of France and his council at the proper moment or to be unexpectedly sprung on French diplomats in the course of conversations. F. Arguments used by Martel to the king of France at Verneuil to induce him to consent to the form of such a process. G. General state of the process of Montreuil as it concerns the king, his subjects, and their possession of the superiority and admiralty of the English Sea. H. State of specific cases in the process. I. Dilatory exceptions in the

<sup>1</sup> *Rot. parl. ined.*, p. 56.

matter of homage, proposed by Martel, the bishop of Worcester, and others at Verneuil. K. Materials for a peremptory exception that Martel never had the occasion to use.

Of these, only the first three items (A–C) remain. In place of the other seven (D–K) is appended a list of four supplications to the king of France, all bearing the date 1318. They were delivered to members of the council at the exchequer by Austence Jourdain, one of the king's proctors in France, and afterwards sent to Guillaume du Breuil, a famous French advocate employed by the English, no doubt to be used in defending cases before the Parlement de Paris. The supplications, which apparently bear no relation to the remainder of the book, must have been added by Joneston after completion of the main part of the memorandum. The petition was not effective in relieving the clerk of his office, and he probably used his book, adding those four pieces, in the course of his duties after 1315. At any rate, their presence suggests a connexion between the *custos* and those interminable proceedings before the Parlement. The first of the supplications is a request that the king of France restrain his seneschal in Périgord from usurping English rights. The second and third ask postponement of the execution of an *arrêt* that had been made against Edward II on behalf of the men of Saint-Sardos and others because of the death of one Petrus Vigerius. The last seeks a delay until the next Parlement of a case between the community of Bordeaux and certain French merchants. Letters of the king of France in reply to the requests are given in full.

Joneston's second memorandum is also a book of six folios.<sup>1</sup> The majority of the entries concern records relating to the process of Montreuil and are contained in a long section in which are listed certain documents delivered by the clerk to the exchequer in 1317.<sup>2</sup> There follow two writs dealing with the custody of archives, one addressed to Thomas Cobham and Richard Plumstock on 5 August 1312 ordering them to take over the documents in Joneston's custody, and the other issued on 20 December 1315 to Joneston himself, directing him to deliver his records into the exchequer. There is a report on the petition for com-

<sup>1</sup> D.D.C. 27/14.

<sup>2</sup> *Supra*, pp. 30, 31.

pilation of the Gascon calendar,<sup>1</sup> and a copy of the form used by Edward I in charging ambassadors to France and other continental countries. Two interesting entries for 1304 are written in French. The first concerns the homage to be done by Edward I or his son, according to the treaty of Paris of 1303. Edward proposes to send the prince of Wales to perform that act at Amiens on Michaelmas next, 1304. He demands, however, that his lands be restored in accordance with the terms of peace, and that he be quit of military aid as duke of Guyenne. Twenty ships are promised to Philip IV for use against Flanders, while the Flemish are to be expelled from England in return for the banishment of the Scots from France. Finally, Edward will require the *seurté* to be taken by the nobles and cities of Gascony and will discuss with Philip the question of prisoners of war. The second is a message from Edward to Philip, explaining that the prince could not render homage while England's enemies, the Scots, still remained in France. Taken together the two entries add valuable details to what is known of Edward II's supposed visit to France in 1304 and leave little doubt that homage was never performed at this time.<sup>2</sup>

This second book seems to have been compiled by Joneston for his own use, as a sort of catalogue or index to his archives. There are no clues to the date of composition, but it was probably written shortly after 1317, the date of the first entry, in time to be of service in discussions growing out of the process of Périgueux. Some of the documents may well have formed the bases for certain sections missing from the first memorandum book. The portions of that book relating to the process of Montreuil (G-H) could have been compiled from the pieces mentioned in the first part of this book, while the two entries written in French could have been used in framing the dilatory exceptions in the matter of homage (I).

The first memorandum book also contains the instructions that were given to Joneston when he took over the office in 1306. He was directed

'safely to keep all processes and memoranda touching the right of our lord the king and his subjects, the custody of which he has had since

<sup>1</sup> *Infra*, pp. 77-8.

<sup>2</sup> *Supra*, p. 10.

the death of his master; and to search for others that belonged to him [Martel] at the time of his death in Bordeaux, and to carry all the premises to the exchequer to be delivered to those whom the said lord the king will have caused to be appointed in the place of his master; and to examine whatever other documents exist in the custody of various ministers of the said king, and to do all these things in which he was charged by his said master, and to inform those appointed concerning all things proposed and ordered by his said master in those affairs, from the time when the said Elias served him in them.'

The duties of office had not changed essentially when Roger Staunford succeeded to them. He was instructed 'to cause them (the documents) to be kept safely, to be shown by him when required to the commissioners, envoys, and proctors of the king for counsels and treaties in these affairs, for their information'.<sup>1</sup> The specified job of the *custos processuum*, then, was to keep the documents, to examine them for the information of envoys, and to make them available for diplomats when wanted.

The first of those duties has already been considered. The form used by Martel and his successor in examining documents demonstrates the thoroughness of their work.<sup>2</sup> As a basis for their recommendations they first searched the registers of feudal recognitions, the charters of rights and privileges of the king's Gascon subjects, the petitions and complaints regarding the breach of these rights, the chancellor's rolls, and all other documents bearing on the former liberty of Gascony. That enabled them to say for what services, dues, and other feudal duties the king was liable in his capacity as lord of Gascony, and under what circumstances a confiscation of the duchy would be legally justified. Proceeding from the particular to the general, peaces and ordinances between France and England prior to 1294 were then considered, followed by the matter of the quarrel between the two kings and their subjects, and the form of the process begun by the king of France in the same period. Next came all subsequent truces and compromises, including the arbitration of Boniface VIII, its execution, and the peace of Montreuil. They studied the ordinances of the advocates of Gascony regarding the regimen of the duchy of Aquitaine,

<sup>1</sup> C.C.R. (1330-3), pp. 511-12.

<sup>2</sup> D.D.C. 27/11, A.



and investigated all processes in the court of France relating to the English. Finally, Martel and Joneston went back to negotiations concerning Gascony preceding the treaty of 1259, and the laws of Richard I and his predecessors relating to the keeping of peace on the English Sea.

From such an examination came a mass of detailed advice for the use of envoys on almost every possible contingency that might arise in the course of negotiations.<sup>1</sup> Should the king deem it necessary, it must be made possible for him to renounce the original treaty of Paris 'with impunity and honesty towards God and man'. If, on the other hand, it appeared that the king of France had been diligent in fulfilling the terms of that treaty, methods must be evolved by which negotiations could be continued until the time was ripe for more drastic action. Envoys must be prepared to exhibit a sincere desire to implement the terms of agreements in order to forestall unfavourable action by the French, yet at the same time to work for the restoration of Gascony and Aquitaine to their former liberties. Damages for injuries done by French officials should be collected, but the king and his subjects had to be protected against claims made by the French at Montreuil. Preservation of sovereignty and the right of admiralty on the Narrow Seas was essential. With those points in mind, the *custos* drew up ordinances to instruct English diplomats in the line of procedure to be observed in making their representations: Call attention to the care with which the king has observed the papal arbitration; Be careful not to concede the slightest legal acknowledgement to the occupation of any part of Gascony by the French; Devise means to postpone cases regarding the demesnes of the king in the duchy until he has been informed about its ancient rights, liberties, and customs; Cite reasons by which the king can escape from continuing in his vassalage to the French throne; Try to obtain a change of precedence in English cases before the Parlement de Paris.

In framing such instructions Martel and his successor worked on the principles that the king was bound by oath to preserve the liberties of Gascony and that he must protect

<sup>1</sup> Ibid. 27/11, B-C.

himself from the attempts of his French overlord to subvert his demesnial rights there. The list of instructions could be elaborated even further; it indicates that the keeper of processes almost literally put the words of argument into the mouths of English diplomatic representatives. Perhaps that is one explanation, at least during this period, for the paucity of instructions contained in the credences and appointments found on the various rolls of chancery.

The *custos* made documents available to envoys either by actually surrendering or by transporting them to the Continent when they were required. Joneston's accounts show that on four occasions in 1309, 1310, and 1311 he was dispatched by the council with his archives to the English proctors, commissioners, and advocates at the Parlement de Paris.<sup>1</sup> At various times during the years 1324-6 he accompanied the bishops of Norwich and Winchester, the queen, and the earl of Chester to keep the processes and memoranda they required.<sup>2</sup> In 1329 he was summoned to accompany Edward III on his journey to do homage at Amiens, and carried with him the necessary documents. In 1330 he was sent again to the Parlement de Paris,<sup>3</sup> and in the same year furnished the complete dossiers, one official and one secret, taken abroad by Henry of Canterbury for use in the negotiations regarding homage.<sup>4</sup> Later in the year Joneston again took the documents to the advocates in Paris.<sup>5</sup> Several deliveries were made between 1331 and 1334. In December 1331 Joneston drew up a memorandum of documents carried abroad to John Stratford, the chancellor, by John Shordich. Stratford was busy with negotiations in France and required information on petitions addressed to the king

<sup>1</sup> App. ii, no. 1: once in 1309, from 7 September to 9 October; twice in 1310, from 20 to 29 April and from 29 September to 31 October; once in 1311, from 1 January to 25 March.

<sup>2</sup> App. ii, no. 1: from 13 to 29 September 1324; from 8 December 1324 to 23 January 1325; from 14 March to 10 April 1325; from 29 September 1325 to 1 February 1326.

<sup>3</sup> Ibid; cf. D.D.C. 30/5/15. Joneston was in France from 26 May to 12 June 1329 and from 26 February to 18 March 1330.

<sup>4</sup> Déprez, *Les préliminaires de la guerre de cent ans*, p. 52 and n. 2. Cf. C.P.R. (1327-30), p. 482; C.C.R. (1330-3), p. 129; *supra*, p. 32.

<sup>5</sup> App. ii, no. 1: from 26 February to 18 March. Joneston undertook other journeys in 1313, 1314, 1323, and 1331 for the purpose of delivering letters.



of France for the remission of penalties.<sup>1</sup> On 24 April 1332 the bishop of Winchester and others received a mandate to continue the process of Périgueux and to procure from Joneston the relevant memoranda. They were delivered to Henry of Canterbury in the same month.<sup>2</sup> Another delivery relating to Périgueux and to the resumption of the process of Montreuil was probably made to Simon Stanes in 1334.<sup>3</sup> At the same time Joneston was sending copies of processes to Paris. In July and October 1332 he dispatched processes to English advocates at the Parlement with a request for their counsel as to the best course to be pursued in order to regain Agenais and other lands occupied by the king of France. Some of them were taken by Henry of Canterbury, while others were sent by the bishops of Norwich and Worcester.<sup>4</sup> Joneston himself went abroad several times during the years 1332–5.<sup>5</sup> Two more instances of deliveries occurred during Joneston's tenure. In March 1333 he was ordered to produce the processes pending in the court of France and elsewhere, before the king's advocates and counsellors who were about to assemble in the Parlement de Paris.<sup>6</sup> Finally, in September 1333 John Piers was to receive documents bearing on the relations between England and France, but his appointment as envoy was later vacated by surrender.<sup>7</sup>

It is clear that in the exercise of his duties the keeper of processes was intimately concerned with the execution of foreign policy; such, indeed, was the very *raison d'être* of the office. But preoccupation with what might be termed 'the mechanics of diplomacy' did not preclude participation in more important business. His position inevitably meant that he would be called upon to assume prominence in the actual determination of policy. Having established such a department with its centralized archives, it is only logical

<sup>1</sup> D.D.C. 28/2/9.

<sup>2</sup> Ibid. 28/2/27, 29; cf. *ibid.* 28/8/10.

<sup>3</sup> Ibid. 28/3/49, draft instructions. Cf. Déprez, *op. cit.*, p. 102, and Mirot and Déprez, *Les ambassades anglaises pendant la guerre de cent ans*, p. 562.

<sup>4</sup> App. ii, no. 1.

<sup>5</sup> *Idem*: from 19 to 23 May 1332, from 19 April to 24 June 1333, from 6 October 1333 to 6 March 1334 (without his documents), from 4 April to 5 September 1334, and from 24 January to 2 April 1335.

<sup>6</sup> D.D.C. 28/2/56.

<sup>7</sup> Ibid. 28/2/40; *C.P.R.* (1330–4), pp. 466, 467.

that the council should depend on the incumbent for a great deal of technical advice and that it should even look to him for suggestions. Thus when Philip Martel was summoned to attend parliament at Westminster in September 1305, he was there to attend the king and his council in a professional capacity.<sup>1</sup> He was among the twenty men who, in conjunction with ten representatives of the various estates of Scotland, drew up the great ordinance for the affairs of Scotland. Maitland spoke of him in that connexion as a master of chancery and as a member of Edward I's council.<sup>2</sup> There is, however, no evidence that Martel was a chancery clerk, nor is there any proof that he was a sworn councillor. The distinction between councillor and counsellor must be strictly observed in this instance: Martel was more likely only one of many upon whom the king *qua* king called for advice. He had already been summoned with others of the king's clerks to appear before John Langton, the chancellor, at London on 18 March 1302 to give counsel on the king's affairs, and he was present in the parliaments of 1301 and 1302.<sup>3</sup>

Few documents remain from the time of Martel's tenure, and those which are left are almost hopelessly mutilated, but that he was able to advise on a variety of questions can perhaps be deduced from a badly damaged memorial relating to the right of English admiralty prepared by him.<sup>4</sup> Martel was probably a much more important person than either of his two successors. In a letter to the pope in July 1306 he is described as 'dilectum clericum et *secretarium* nostrum', an indication that he was at least a confidant of the king.<sup>5</sup> He also had his place among the officials who administered the archbishopric of Canterbury. In 1294,

<sup>1</sup> *C.C.W.* i. 251; *C.G.R.* (1302-7), p. 340.

<sup>2</sup> *Memoranda de parlamento*, pp. xlv, cviii.

<sup>3</sup> Palgrave, *Parliamentary Writs*, i, 91, 110, 113.

<sup>4</sup> D.D.C. 29/9/3.

<sup>5</sup> Prynne, *The History of John, Henry III, and Edward I*, p. 1095. At this time *secretarius* usually means confidant (Dibben, 'Secretaries in the 13th and 14th Centuries', *E.H.R.*, vol. xxv (1910), pp. 430-44). The following undated letter furnishes yet another instance: 'Roy a mestre Phelipe Martel, saluz. Pur aucunes choses qe nous vous auoms obliez de dire, lesqeles nous auoms molt a cuer, vous mandons qe vous recorgez a nous, veues ces lettres, si qe vous soiez a nous a Peccham icest meisme mescredy matyn. Et ce ne lessz en nule manere. Peccham, xj septembre' (Anc. Cor. xxxvii. 147).

when the see was vacant, Martel served on a commission to visit the prior and convent of Ewenny, in Llandaff diocese, and to correct and reform what was necessary there. He took a prominent part in the episcopal election at Chichester in 1305.<sup>1</sup>

Documentary evidence about his successor is more extensive. Elias Joneston's relations with the council were so frequent that Professor Baldwin has found in him an early *clericus de consilio*.<sup>2</sup> It is hardly likely, however, that he served the council in that capacity, especially since there is no evidence to substantiate such a point of view. Joneston's path often crossed that of the council, but only by virtue of his position as *custos*. In 1308-9 he drew up a memorandum urging that the process of Montreuil be resumed, advising *expediens est percauere* regarding the questions involved in the process lest the king lose all his rights in Gascony, and he even suggested lines along which negotiations might be pursued.<sup>3</sup> No clearer example is needed to demonstrate that this clerk was alive to the dangers to England inherent in the French policy of eating away English power through judicial conflicts. Whether his opinion was solicited is doubtful, but the council acted by providing for the renewal of the process. Drawing on the material his predecessor had collected from an examination of registers in the treasury, Joneston in 1315 submitted articles for the consideration of the dean of York and his colleagues on peremptory exceptions that might be proposed to the processes in the court of France.<sup>4</sup> Again, in 1317-18 he outlined the relations between England and France with a view to avoiding penalties for neglect to do homage. Those considerations, with

<sup>1</sup> Churchill, *Canterbury Administration*, i. 562 n. 1, ii. 121. Canterbury was a valuable training-school for government officials because of its own vast administrative organization and the large amount of business it transacted at the papal court. Prominent men in foreign affairs like William de Sardene, Gilbert Middleton, and Adam Murimuth served as officials of the court of Canterbury. Middleton was also auditor of causes. Walter Thorp, Middleton, and John Offord were Deans of the Arches (*ibid.* ii. 237-42). Mr. Charles Johnson suggests that Philip Martel may also have been Dean of the Arches.

<sup>2</sup> Baldwin, *The King's Council*, p. 363.

<sup>3</sup> D.D.C. 29/6/11, 12. The latter is a clearer copy, but the two should be consulted together. See also *infra*, p. 70.

<sup>4</sup> D.D.C. 29/9/2. This is a repetition of the suggestions made in Joneston's first memorandum book (*supra*, pp. 38 ff.).

three letters of Philip of France attached, suggested that the council instruct envoys in certain matters of law and custom in the French court and invest them with sufficient power to act.<sup>1</sup> Professor Baldwin prints a document that furnishes another indication of Joneston's close connexion with the council. It records articles dealing with processes in the court of France, in this instance the work of the bishop of Winchester, given to him to be submitted to the council as from the king.<sup>2</sup> The last memorandum that he tendered during the reign of Edward II concerned the difficulties with France and the remedies to be applied regarding the outrage at Saint-Sardos. Other processes were discussed, as well as the nature of the tenure and homage by which the king of England held his French possessions.<sup>3</sup>

At the accession of Edward III it seemed that the new king and his council were to continue to appreciate the efforts of the *custos*. In 1329 Joneston was ordered to study the whole question of Guyenne and to propose whatever remedies he judged necessary.<sup>4</sup> In the next year he was present in the council at Osney, furnishing for its use documents relating to treaties with Flanders and to the quarrel between Flanders and France.<sup>5</sup> In April 1332 he submitted both a verbal and a written report to the bishops of Winchester and Worcester on a plan for avoiding interference by the court of France in Gascon affairs.<sup>6</sup> Three years later he made several proposals that Southampton and other cities

<sup>1</sup> D.D.C. 29/8/19. Cf. Parl. & Coun. Proc. Chan. 5/14 and *ibid.*, Exch. 2/11, papers in which Joneston requests that the prelates and nobles assigned to consult on petitions touching Gascony advise the king to appoint clerks of the council 'a suruoer ses busoignes'.

<sup>2</sup> Baldwin, *op. cit.*, p. 471.

<sup>3</sup> D.D.C. 29/9/24.

<sup>4</sup> Déprez, *op. cit.*, p. 49 note.

<sup>5</sup> 'In primis, recepit j rotulum j pecie continentem transcriptum littere confederacionis facte inter regem Anglie et comitem Flandrie. Item, j rotulum j pecie, cum vij cedulis eidem rotulo consutis, continentem copiam littere confederacionis inter regem Anglie et comitem Flandrie. Item, j rotulum v peciarum continentem articulos quos comes Flandrie misit regi Francie reddendo homagium suum. Item, j rotulum j pecie continentem grauamina illata comiti Flandrie per regem Francie, pro quibus reddidit sibi homagium suum. Item, j rotulum j pecie continentem formam tractatus habiti super confederacione inter regem Anglie et comitem Flandrie. Item, viij cedulas tangentes treugas siue suferencias inter Anglie et Francie reges, et confederacionem inter regem Anglie et comitem Flandrie. Item, vij cedulas tangentes confederacionem predictam.' D.D.C. 28/10/3 (7 July 1330).

<sup>6</sup> *Ibid.* 28/8/20.

of England and Gascony should appoint proctors to carry on processes in the court of France and in the papal curia.<sup>1</sup> But at the same time he urged that an effort be made to withdraw certain cases from the Parlement de Paris. If that could be done, the cases were to be turned over for settlement to diplomatic commissions composed of representatives from England and France. In suggesting such a course the clerk was apparently thinking of the negotiations at Montreuil and Périgueux. Yet the methods of Edward I and his son were becoming impossible to continue. Joneston does not seem to have realized that, for in the same year he petitioned for the appointment of English proctors to carry on the litigation in the Parlement de Paris in place of proctors from France and Gascony, who, as he pointed out, feared death or exile too much to act effectively.<sup>2</sup> He saw the weakness in the individuals but did not grasp that judicial bickering was insufficient to stem the tide of French aggression. In wording a second petition for the resumption of the process of Montreuil he seems to cast a wistful eye over the methods of Edward I and to wonder just what course his grandson planned to follow.<sup>3</sup> The old clerk was beginning to live in the past; his last appearance was at Lynn in June 1337, where he performed his final task of forbidding any acts of hostility against the French.<sup>4</sup> He addressed the monition to the mayor and others in the common hall of the town. Acting on behalf of the bishop of St. David's and Sir William Trussel, who had been appointed commissioners to carry into effect the existing treaties between England and France, Joneston particularly warned ship-masters, arguing that maritime disturbances had been the principal cause of English misfortunes in Gascony and Scotland.

<sup>1</sup> Ibid. 30/3/14 and 28/3/28, 30.

<sup>2</sup> Ibid. 28/3/41.

<sup>3</sup> 'Item, quod duo ex commissariis anglicis dicti domini nostri nuper assignatis exequantur mandata regia sepius eius directa pro processibus apud Monstrellum et Petragor' super huiusmodi conuencionem pacis et treugarum ad dictos fines quondam inchoatis ad similes fines resumendis, et quod duo aduocati et duo procuratores et vnus notarius de Anglia tam ex parte domini nostri regis quam communitatis subditorum eiusdem dictis commissariis assistant, et commissiones et alie littere necessarie eis fiant cum effectu.' D.D.C. 30/3/25.

<sup>4</sup> Ibid. 32/17, a roll of three membranes also containing a discussion of points connected with the processes of Montreuil and Périgueux. Cf. *ibid.* 28/9/3.



The activities of his successor, Staunford, in an advisory capacity seem to have been negligible. His account mentions a charge for carrying documents to various *tractatus* at York and Nottingham in 1336-7. In the next year Staunford, with his documents, followed the archbishop of Canterbury from London to Northampton and Stamford, returned to London, and then travelled to Dover and back.<sup>1</sup>

Besides the personal relationship between the council and the *custos*, the two were connected indirectly through certain clerks. In 1309 Master Thomas Cobham, king's clerk, received an order to examine the articles of agreement, truces, and peaces made between Edward I and the king of France. Joneston, who actually delivered the writ, furnished the specified documents. Cobham was to certify the king's council by letters as to the state of the premises, especially those which he knew required immediate attention, in addition to any dubious points he might discover through his examination.<sup>2</sup> Two years later he was appointed to make a second inquiry, reporting both his own findings and the information with which Joneston could furnish him.<sup>3</sup> Together with Master Richard Plumstock, Cobham made still another study of the documents in August 1312, this time to draw up a report for the approaching parliament.<sup>4</sup> In October 1314 Joneston was directed to deliver certain documents that he had received from the wardrobe 'to the clerks and knights about to treat on these matters at Westminster on the morrow after All Souls'.<sup>5</sup> He made two more deliveries in March 1333 and June 1335, to Master Austence Jourdain, Master Gerard de Podio, Master John Piers, and others to enable them to report on French affairs in subsequent parliaments.<sup>6</sup> The same practice continued after the appointment of Roger Staunford to the keepership. In October 1336 a writ of *certoriari* was sent to Masters John Piers and Thomas Sampson through Staunford and Henry of Canterbury. The latter explained that the king wished

<sup>1</sup> App. iii.

<sup>2</sup> C.C.R. (1307-13), p. 240.

<sup>3</sup> Ibid., p. 348; cf. C.P.R. (1307-13), p. 338.

<sup>4</sup> D.D.C. 27/14/d. Cobham had first acted in this capacity in 1305 (C.C.R. (1302-7), p. 340); Plumstock, in 1311 (C.C.R. (1307-13), p. 351).

<sup>5</sup> D.D.C. 30/5/15.

<sup>6</sup> Ibid. 28/2/37; Déprez, op. cit., p. 111 note.

the counsel of the former on the best way to defend his rights in processes pending in the court of France.<sup>1</sup> The last record of a similar demand, although there must have been many more, is dated in November 1337, when a request was made for counsel on French affairs.<sup>2</sup>

Such is the story of the keepership of processes, a story remarkable and commonplace: remarkable because from the vantage-point of the twentieth century it is surprising to look back six hundred years and find medieval man grappling with one of the problems of government in so modern a fashion; commonplace none the less, for the fourteenth-century English official took such things as a matter of course. They were fast becoming as ordinary a part of his life as his religion. In problems of the soul he said his prayers, paid his money, did penance, and thereby expected salvation, or at least a short term in purgatory, with much the same certainty as the modern man who pushes a button on the wall and expects the electric light to burn. Likewise, in problems of government he referred questions to the proper person or department and expected them to be dealt with. By the fourteenth century there were plenty of proper persons and departments: English administration was literally honeycombed with specialists. For the most part they were people of little personal importance and were consequently immune to the vicissitudes of politics. They were clerks who spent the best part of their lives filling up folios of parchment, rummaging through archives, journeying abroad, and standing ready with vital information and technical advice before the council-tables of state. Theirs was a hard life and a busy one, and they were paid more frequently in promises than in cash. Often their names lie buried among the very manuscripts they wrote, but they are always there—hundreds of them—working quietly yet efficiently behind the scenes. If the English yeoman was the backbone of his country, the official cleric was certainly its brains.

To such a group belonged Martel, Joneston, and Staunford. Called by the king's council to fill a particular gap in

<sup>1</sup> *C.C.R.* (1333-7), p. 711; Rymer, ii. 947. Joneston had delivered processes to Piers at parliament in London in March 1336 (*App.* ii, no. 1).

<sup>2</sup> Lescot, *app.* v; Déprez, *op. cit.*, p. 179 nn. 4, 5.



administration, they admirably served this purpose. All of them were experts in law and procedure both at home and abroad, specialists in foreign affairs, first-rate archivists, and excellent advisers in questions falling within their purview. The office they held lay at the very heart of the diplomacy contingent upon the execution of the treaty of Paris of 1259. From the extraordinarily complete archives of that diplomatic clearing-house came instructions in material and procedure for English envoys and technical advice and suggestions for the council in the determination of policy. After all, is it strange that the English government, possessing as it did a chancery and an exchequer with a long and successful history behind them, should conceive the idea of another department to deal with business of increasing magnitude? The *custos processuum* represents but another step in specialization of functions, the force that underlies the whole of administrative development. Placed against the background of the general reorganization of administration that took place in the early fourteenth century, it admirably illustrates how efficient men of the Middle Ages could be and points again to the continuity of what Tout has called 'the English civil service'.

### III

#### THE PROCESS OF MONTREUIL

‘Quid enim prodest anglicis litigare contra regem Francie in regno suo et totum consilium suum ac contra vos qui estis coniudices nostri? Et certe nichil!’  
—PHILIP MARTEL *in a speech to* CLEMENT V (1306).

MONTREUIL-SUR-MER was a little town in the department of Pas-de-Calais, situated at the point where the river Canche flows into the sea. The passage of time has left fifteen kilometres of land between it and the coast, but much about the place is still as it was six centuries ago. There is the citadel, surrounded by medieval towers and walls, whose impregnability was strengthened by the military genius of Vauban. One of its towers, called to-day La Tour de la Reine, was the prison of Bertha of Holland, whom the indolent, egotistic Philip I repudiated for Bertrade de Montfort. Within those walls was enacted in 1306 one of the strangest episodes in Anglo-French diplomatic relations, for in May and June of this year Edward I and Philip IV strove to settle by an arbitration commission certain long-standing difficulties between them. Montreuil, however, had enjoyed a respectable existence for a long time before the meeting of the commissioners gave its name currency in historical records. The gothic church of Saint-Saulve was two centuries old when the representatives met, and the Hôtel-Dieu had seen a hundred years of life. The town secured its communal charter in 1188 and was probably just as proud of its relics of Sainte Austreberthe. A merchant of Montreuil had brought them from Pavilly, in Normandy, long before the Conquest and founded an abbey under this vocable near his home. At the time—and this must have influenced the choice of the representatives—the place was a thriving port centrally located for traffic passing through the Channel.

The process to which the town was to give its name had its genesis in the treaty of Paris of 1303, signed after Boniface VIII had arbitrated in his private capacity between Philip and Edward. One of the most important provisions of the treaty was that some assessment and settlement of

damages and losses incurred by the subjects of both parties should be made. Most of the losses had to do with plundering of Channel trade, and negotiations for the settlement of piracy claims go back even to 1293. In that year Edward sent to France the bishop of London, Sir Roger Brabazon, and Master William Greenfield, who was later to serve as chancellor, as commissioners to investigate maritime hostilities together with representatives of Philip.<sup>1</sup> In 1297 the matter was taken up again, and there are records of conversations that took place between the two kings at this time.<sup>2</sup> The first is entitled 'Le premier respons fet au roi d'Angleterre par le roi de France'. Edward's brother and the earl of Lincoln had offered in his behalf to inquire into and make amends for 'damages done by mariners of one side and the other', and desired a truce in order that this proposal might be carried out. The king of France expressed his willingness to negotiate, but asked first that confiscated goods be restored. To such a request the king replied, in 'Le respons fet as messages le roi de France', that he could make no statement without taking advice. That he promised to do as quickly as he was able, and meanwhile undertook to prevent his subjects from pillaging French ships. The reply, 'Le respons fet au roi de France par l'évesque de Londres', was delivered orally to Philip by Richard of Gravesend. Not only had Edward consulted his council, but he had also heard complaints of his own merchants against the French.<sup>3</sup> He was prepared to settle the claims of both parties in any one of three ways: those who had suffered losses might come before him 'to show their plaints' and receive satisfaction in his court; plaints might be arbitrated by two commissioners from each country; or the whole question might be submitted to the pope and settled according to a decision to be taken by the College of Cardinals. Negotiations were still pending in 1298, when Sir Geoffrey de Geneuile and Masters John Lovel and Thomas de Legore were appointed to consult with three French

<sup>1</sup> *Lettres des cours de France et d'Angleterre*, ed. Champollion-Figeac, i. 404.

<sup>2</sup> *Ibid.* 424-9.

<sup>3</sup> These amounted to £77,065 damage suffered by the men of Bayonne, England, and Ireland at the hands of the Normans. The complete list is printed in *ibid.* 392-400.

envoys on the matter.<sup>1</sup> Further commissions were issued for the same purpose in 1301 and 1302.<sup>2</sup>

The business of making the necessary arrangements was very slow, and the king's merchants continued to ask redress.<sup>3</sup> Something was being accomplished, however, for the next piece of correspondence bears directly on the subject of the process. It is a bull of Clement V notifying Philip the Fair that the prior of the Friars Preachers and the guardian of the Friars Minor at Paris were empowered to receive the oaths of two commissioners to be appointed by the French king.<sup>4</sup> Letters in pursuance were addressed to the prior and guardian at the same time. The English commissioners, Philip Martel, the first *custos*, and Sir John Bakewell,<sup>5</sup> received their appointments on 5 April 1306 and took their oaths in London.<sup>6</sup> The French nominees, Stephen de Bourret,<sup>7</sup> sub-dean of Poitiers, and Sir John de Ver,<sup>8</sup> were given letters on 8 May.<sup>9</sup> The four formed a bipartite commission that was instructed to inquire into damages and losses, to satisfy any plaintiffs whose claims should be unquestionably clear, and to refer any doubtful cases to the two kings for final settlement.

It should be made clear at the outset just what a process is and in what relation it stands to other methods of obtaining redress of grievances. Short of actual piracy the normal way to secure damages was by means of letters of request and letters of marque. The issue of them was not regulated

<sup>1</sup> Rymer, i. 900.

<sup>2</sup> Ibid. 936, 940.

<sup>3</sup> On 16 October 1305 the clerk of the mayor of Bayonne laid a claim for £5,905 against the French before the king at Westminster. *Lettres des cours*, ii. 14.

<sup>4</sup> There are two copies of this bull, *Ex parte tua*; one in MS. Julius E. i, fol. 222d, dated 13 November 1305, and the other in D.D.C. 31/19, m. 1, dated 13 February 1306. The names of the English representatives are given, although the only existing record of their appointment is dated in the following April.

<sup>5</sup> Bakewell is the spelling preferred by Tout (*Place of Edward II*, pp. 221, 301, 306). Sir John was an alderman of London, seneschal of Ponthieu from 1299 to 1305, and baron of the exchequer in 1307-8. Foss (*Judges*, ii. 225) spells the name Bankwell, from Bankers, at Lee, co. Kent, and records that the knight was also appointed justice to perambulate the forest and later served as justice itinerant.

<sup>6</sup> D.D.C. 27/5/12.

<sup>7</sup> Bourret, *dép.* Tarn-et-Garonne.

<sup>8</sup> Ver, *dép.* Oise.

<sup>9</sup> D.D.C. 29/5/12. Commissions of the Parlement de Paris always consisted of one cleric and one lay member when the cause was civil or a mixture of civil and criminal; strictly criminal cases called for two lay members (Aubert, *Histoire du parlement de Paris*, ii. 92).

by statute until the reign of Henry V, but they were in use in the reign of Henry III and possibly even earlier. By a comprehensive act passed in 1414 to prevent breaches of truce, an official called a conservator was appointed to inquire into such matters. The act states that he was to proceed 'as the admirals of the kings of England before this time reasonably, after the old custom and law on the main sea used, have done or used'.<sup>1</sup> Thus the admiral of the fleet was the person upon whom the responsibility for keeping truces and punishing violators fell.<sup>2</sup> If violations occurred, the aggrieved person could have recourse to letters of request, which demanded satisfaction or restitution within a reasonable period of time. Several letters of request of increasing severity of tone might be issued before more forceful means were resorted to. Should they fail, letters of marque were granted, and these allowed the aggrieved to attack and seize the property of the aggressor without being liable to condemnation for robbery or piracy.<sup>3</sup> The process, on the other hand, is simply an action at law. The process of Montreuil was a series of legal cases involving maritime losses brought for hearing and settlement before what amounted to an international commission. The nearest modern analogy—and there is not too great a difference between the two—would be proceedings before the Permanent Court of Arbitration at The Hague.

The first document remaining from the actual record of proceedings at Montreuil is a mutilated page entitled *Articuli ad formam querelarum faciendam*. Those 'articles to set forth the form of suits' were probably drawn up by the commissioners for the guidance of plaintiffs in presenting their claims; at any rate, they furnish a precise list of the information wanted. The names of ships and ships' masters

<sup>1</sup> Holdsworth, *History of English Law*, ii. 473. The provision for the appointment of a conservator was, of course, merely the legal recognition of a long-standing practice.

<sup>2</sup> Yet until the middle of the fourteenth century the only power admirals exercised was a disciplinary and administrative jurisdiction over seamen and others on board their fleets, and even in these matters their jurisdiction was not exclusive. *Select Pleas in the Court of Admiralty*, ed. Marsden (Selden Soc.), i. xli.

<sup>3</sup> By the time of Henry IV letters of request were issued under the privy seal, letters of marque under the great seal. *Black Book of the Admiralty*, ed. Twiss, i. 389-94.

were to be given, as well as names of those owning the cargoes carried. If a cargo consisted of wools or leather, apparently the plaintiff had only to state the amounts collected. If, on the other hand, other merchandise was involved, then it was necessary to have letters sealed with the common seal of the place where the merchandise was loaded. He must also mention the time when the ship left port. Several facts were to be furnished regarding the actual depredation: the place, and whether it was in sight of others by whom the depredation could be proved; whether the ship was plundered and carried away with the goods in it and, if so, where the ship reached shore; whether it was despoiled off the coast in sight of men on land or of ships at anchor off shore. If the merchandise was removed from one boat into another, sailors who were on board at the time had to testify to this fact. Witnesses were likewise to be produced if the cargo had been seized in port. The remaining information concerned the imprisonment of sailors and the conversion of seized goods into cash. In regard to the former, plaintiffs were to advise the commission of the duration of imprisonment, by whom it was effected, and the means of delivery; that is, 'whether by justice or through mercy'. As to conversion, they must tell 'whether any other merchants of England were in port by whom the seizure of goods can be proved, and whether through a public announcement of them rumour is common in England'.

A significant note is added at the end of these articles. With such information before them the commissioners were not to proceed according to French or English law, but by 'a certain sincere equity' agreed upon among themselves they were to establish 'the course of a summary process'.<sup>1</sup> The course of that summary process embraces four categories of material: general petitions, claims against the French, claims against the English, and replications.

There appear to have been only two general petitions, and both were submitted by persons who describe themselves as

<sup>1</sup> D.D.C. 27/5/25. A copy of the articles is printed in *Rot. parl.* i. 277 under the date 1308, in connexion with one of the many attempts to reconstitute the process. That part of the *Rotuli*, however, is based on the Hale MS., and it is quite probable that the document belongs to the year 1306. Certainly it corresponds very closely to the procedure described below.



'proctors of the commonalties of subjects of the king of England in his kingdom and in other lands under his jurisdiction'. The first is an extravagant demand for compensation for damages inflicted by the Scots after the truce of 1297 and the peace of 1303.<sup>1</sup> The English argued that, since the Scots were allies of the French, the French were financially liable for losses of the English. Accordingly they demanded that French proctors be summoned to answer English proctors for such claims. Their losses due to breaches of truce were estimated at £900,000; in addition, a sum 'au treble et plus' of this amount was asked for losses in Scotland by 'persones de Seinte Eglise et pur countes, barouns, et altres nobles' of England, and a third sum for expenses of English nobles in maintaining and protecting castles, cities, and lands held in Scotland 'of the gift of the said king of England'. They advanced similar claims for 'murdres, homicides, arsouns, robberies' committed by Scots living in France during the years 1303-6. These amounted to £600,000! There is no record of any action having been taken on this first petition, and it seems probable that the commissioners themselves were unable to accept the reasoning of English proctors. Certainly the reparations asked were so tremendous that they would not have been paid even had the English secured a judgement in their favour. The French could have argued, too, that the commission had no power to listen to any but strictly English and French claims.

The second general petition, a part of the memorable *Fasciculus de superioritate maris* which fired the minds of Selden, Coke, and Prynne, was aimed at the piratical acts of Reyner Grimaud, admiral of the French fleet.<sup>2</sup> The argument it presents rests on the premise that by law, statute, and ordinance the kings of England had been in peaceable possession of sovereignty of the sea of England for time out of mind. The exercise of that sovereignty, so the petition

<sup>1</sup> D.D.C. 31/20, a roll of three membranes, printed in *Lettres des cours*, ii. 19-23.

<sup>2</sup> D.D.C. 32/19/1, printed by Coke (*Fourth Part of the Institutes*, pp. 142-4) and discussed by Selden (*Mare clausum*, cap. xxvii, xxviii). Grimaud (Grimaus or Grimaldi) was a Genoese in command of sixteen Genoese galleys then in the service of the king of France.



runs, was delegated to the admiral of the fleet, together with full cognizance, justice, and other appurtenances. Grimaud seized English ships in violation of the terms of the treaty and, worst of all, claimed sovereignty of the English Sea. It was against such a claim that the proctors protested, not only in the name of England but also of 'la marine de Genuë, Cataloigne, Espagne, Alemaigne, Seland, Hoyland, Frise, Dennemarch, & Norway et de plusours aultres lieux del Empire'. Action on the petition was apparently taken when individual claims against Grimaud were heard. It seems likely, however, that the questions of admiral jurisdiction and sovereignty remained moot points, for the French commissioners could hardly have accepted the view that sovereignty of the sea belonged to England and not to France.<sup>1</sup>

English claims against the French are set forth in two badly damaged documents. One is a fragment of a roll dealing with damages asked by people of Sandwich.<sup>2</sup> The other, which repeats two items from the Sandwich roll, is a register of sixteen folios containing summaries of cases heard by the commission.<sup>3</sup> The former merely lists damages, but the latter records the progress of almost every case; together they concern claims amounting to £1,882. 18s. put forward by forty persons who had shipped cargoes worth £3,250. 4s. 3d. in twenty-eight different vessels. There is, however, no reason to suppose that these were the only complaints heard, for mention is made in the documents of other cases of which no record has survived.

The record of cases preserved in the register affords valuable clues to the form of procedure. At the top of each folio—one side is usually given over to a single claim—are written the names of plaintiff and defendant, e.g. *Ricardus Bush: contra Reynerum Grimaus*. The *libellus*, or statement

<sup>1</sup> Coke and others used this petition to illustrate the antiquity of the Court of Admiralty. The earliest occurrence of the term 'admiral' is in 1295, but the Court of Admiralty was not set up until the battle of Sluys (1340) had affirmed the English king's claim to sovereignty of the sea. Before that date cases that were later to come *coram admirallo* were dealt with in the common law courts, in chancery, and by the council. *Select Pleas in Admiralty*, i. xv, xxxv.

<sup>2</sup> D.D.C. 29/5/18.

<sup>3</sup> Ibid. 27/7. A précis of part of the register may be found in Fulton's *Sovereignty of the Sea*, pp. 744-9.

of the claim, follows, always in the same form; e.g. 'This shows Richard Bush, of London, to the auditors deputed by the king of France and the king of England to redress damages done to the people of one land and the other. . . .' The name of the ship is given, together with its route and the contents and value of its cargo. The plaintiff cites the name or names of the despoilers, the place and time of depredation, and the port into which the cargo was taken and sold. Occasionally he includes information regarding the amount of damage to the ship itself and the imprisonment or death of the people on board. He then asks a certain sum for damages, and the *libellus* concludes with the formula, 'To which things aforesaid in whole or in part the said Richard offers to swear, according to what belongs to him and what he can prove it to be worth.'<sup>1</sup>

The defendant might then propose a *contestatio negatiua* or an *exceptio dilatoria* or both.<sup>2</sup> The former was a flat denial of the charges made in the *libellus*. In almost every instance it is accompanied by a statement that the accused could not have committed the crime because at the time of its occurrence 'il nauoit onkes este en ces paiis' or was 'au chimim enuenant a Calois', or 'a sekke terre', or at any other spot but the one in question. The *contestatio* usually ends with a plea that the defendant be quit of the charges or at least that he be allowed to make a further statement of his case. Thus, in replying to the charge of Richard Bush (no. 1 in the table), Grimaud states,

'And he is ready, should the court be at all doubtful—which it should not be—to prove a thing so notorious that everybody is aware of it; and says that in such a notorious matter you ought to require proof against him and not put him in any difficulty of plaint. . . .'

The *exceptio dilatoria*, as the term implies, was a statement calculated to delay the course of proceedings. It can best be explained by citing an example. Johan Pedroge's dilatory exception to the accusation of Thomas Cros (nos. 7, 10, 12,

<sup>1</sup> The first table in Appendix IV gives the precise information furnished in each case. Fos. 4, 14-16 are unfortunately illegible.

<sup>2</sup> For procedure in proposing exceptions see du Breuil, *Stilus curie parlamenti*, ed. Aubert, cap. xiii.

24 in the table) was: '... the said Johan says that he is not held to answer. For the said demand makes no mention of him, and Henri de Geneve and Michel de Navarre, whom the demand concerns, are out of the kingdom and in such a place that they cannot now be reached.' In other words, if Johan's exception were admitted, Thomas's case would have to be stayed until Henri and Michel could be found and brought to justice. The *exceptio*, then, was a legal loophole through which the defendant could crawl to comparative safety. To such defences the plaintiff proposed a *repplicatio*. That might be a contradiction of the defendant's reply or an offer to submit further proof to substantiate the accusation. Usually, however, the proctor for the plaintiff found himself temporarily worsted by the defendant's exceptions and had to postpone his case 'tant quil eut conseil de son maistre pur le mieuz auiser de la verite'.

One defence is worth noting in detail, since it is the only real argument in the entire register. Odard de Maubusshon and Johan Pedroge are replying to the accusation of having plundered the ship *Michel de Arwe* (no. 16 in the table). They admit having committed the deed, but not in the manner in which the plaintiffs had described. The king of England, they assert, had ordered that no comfort be given to enemies of the king of France, yet when the vessel was taken 'without force or distress', in it 'lettres feurent trouuees . . . qe aloient a ceux de Bruges dargent qils deuoient resceiure en la dite vile'. Accordingly, the ship was seized and those on board were taken to Calais and thrown into prison 'as enemies of king and kingdom'. All of the prisoners, however, save one Johan de Masworth, contrived to escape, and this fact convinced the French of their guilt: '... and according to custom of all those in your land and especially in the entire kingdom of France, any person who is taken for a crime and breaks prison is held to be convicted of the deed.' Particularly did they not consider themselves liable for the lost cargo, for their king 'had the cargo taken in the ship as forfeit to himself'. The unfortunate de Masworth, who was still languishing in prison, clamoured for his release and for the return of some wool he had lost. The French replied that if he had not broken prison it was because he

had been chained too securely to have been able to escape with his companions. The advocate continues,

‘. . . and according to the custom in use in the entire kingdom of France, when several persons are in prison on criminal charges and some of these persons escape, if those who remain do not do all in their power to retain them and do not inform the guard of the prison, they are as equally convicted and attainted of the deed for which they are in prison as those who escape; for this reason he says that his [de Masworth’s] goods are forfeited to the king and his body to the mercy of the lord.’

Having dealt with the accusation, the defendants concluded by reminding the court that its commission did not give it power to deal with cases in which the plaintiffs had been trafficking with enemies of France in violation of the terms of truce agreed upon by Edward I and Philip IV.

The claims of the French against the English are similar to those filed by the English, except for the fact that they are not entered in a register and accordingly furnish none of the answers of the defendants. They remain in some seventy separate documents, which were sorted alphabetically by the names of plaintiffs.<sup>1</sup> Most of them bear endorsements of the names of plaintiff and defendant, of the towns in which each resided, and of the amount of damages asked.<sup>2</sup> The total sum of claims comes to about £19,537. 6s. 10d.<sup>3</sup>

<sup>1</sup> D.D.C. 27/6/6-76.

<sup>2</sup> The number of defendants in each English town is as follows: Winchelsea, co. Sussex, 19; Dartmouth, co. Devon, Little Hampton, co. Sussex, London, Romney, co. Kent, and Sandwich, co. Kent, each 4; Harwich, co. Essex, Rye, co. Sussex, Boston, co. Lincoln, and Weymouth, co. Dorset, each 3; Dunwich, co. Suffolk, Hythe, co. Kent, and Yarmouth, co. Norfolk, each 2; King’s Lynn, co. Norfolk, Newcastle, co. Northumberland, Orwell (Edrewelle, Erdrewelle), co. Suffolk, Poole, co. Dorset, Portland, co. Dorset, Shoreham, co. Sussex, Southampton, Teignmouth, co. Devon, and the Cinque Ports (mentioned as such), each 1.

<sup>3</sup> This figure is incomplete, lacking three documents (D.D.C. 27/6/6, 25, 70) that are indecipherable. Three other documents bear records of French claims. The first is a claim for £88. 8s. against Pieres de la Vyne and others of Portsmouth for wines belonging to the men of La Rochelle seized on board the ship *Seinte Marie de Castre Enordiales* (ibid. 27/5/27). The second asks £197. 10s. for wool belonging to Piere le Monnier seized by the king of England at Winchester, Bristol, and Southampton (ibid. 27/6/1). The third is an imperfect roll, almost all of which is illegible, that contains various claims (ibid. 29/5/23). The form of documents relating to cases suggests that claims were first written on individual slips of parchment, then enrolled, and perhaps finally entered in a register. The absence of a register of French claims is due to the fact that the commission adjourned before many French claims were heard.

The fourth class of documents belonging to the process is composed of replications that are detached from the particular cases to which they are related and have been recorded together on separate leaves. The first of these is the *repplicatio* of English claimants to the defence of Odard de Maubusshon.<sup>1</sup> It sets out the arguments of six groups of plaintiffs and makes a summary appeal for their validity. The defence of Odard in most of the cases was that he acted under orders of the admiral in seizing the ships and had surrendered the cargoes to the king of France. The English were unwilling to allow him to shift responsibility, for they claimed that he took their goods 'to his own profit and has thereby been enriched, so by law he ought to answer; and reason, use, and custom of the country are not contrary to our demand'. In one instance the defendant asks that all claims of certain plaintiffs be disallowed because in one an accusation was made against him at a time when he was not captain of Calais. The English countered that they would consult their clients about the accusation in question, but that the mistake in this demand should not be allowed to jeopardize the validity of their other claims. In another instance the defendant insisted that the plaintiff present 'son garant des biens qe il li demande en la manere qil est contenu en sa peticion'. In other words, the claim for damages had not been supported by the necessary warrant or proof of ownership.<sup>2</sup> The plaintiff requested that the judges set a day 'qe ne soit trop longs et gref du dit Willeame' on which he could present his *garant*, which had to be obtained from the authorities of the town where the merchandise was loaded.<sup>3</sup> The other document in this class is a fragment of the reply of English proctors to the defence of Reyner Grimaud.<sup>4</sup> It contains little but a contradiction of the defendant's statement and an offer to prove the plaintiffs' allegations. It ends with a phrase characteristic of such replies: 'And they make

<sup>1</sup> Ibid. 29/5/19, a roll of two membranes.

<sup>2</sup> *Supra*, p. 53.

<sup>3</sup> This matter was probably considered by the auditors as a dilatory exception; cf. du Breuil, *op. cit.*, cap. xii.

<sup>4</sup> D.D.C. 27/6/5. There is also a book of four leaves, now stained almost beyond legibility, that contains various documents relating to acts of piracy by the Normans, the Bayonnese, and men of the Cinque Ports, one of which is the replication of the men of the Cinque Ports to charges against them (ibid. 27/15).



protestation that if the defendants propose or have proposed facts (*fais*) in their defence, such facts be neither received nor held of any value and that no process be founded on them.'

So much for the nature of the cases themselves; two further points need to be made. Both plaintiffs and defendants were entitled to be represented by proctors, but there is no evidence that the latter ever took advantage of this right. One of the procurations has been preserved: Roger Baroun of Flitcham, a burgess of Lynn, appoints William, clerk of Philip Martel, as his proctor in all cases 'qe ioe ai ou purrai auoir countre totes persones et vers toutz, taunt pur moi qe countre moi, pri deuant tous juges et tous justices et especiaument deuant les auditours deputez depar les rois de Fraunce et Dengleterre'. The letters are dated on 18 May 1306 and were sealed not only with Roger's personal seal but also with 'le commun seal de la ville de Lynn'.<sup>1</sup> The commission had the power to issue writs of summons. The surviving example is a writ from the French commissioners to the bailiff of Calais, ordering him to bring certain defendants before them at Montreuil.<sup>2</sup>

The procedure, then, may be summarized thus: the plaintiff issues letters of procuration to his representative; the proctor states the claims of his client before the commission (*libellus*); the auditors issue a writ of summons to the defendant; the defendant appears before the court and

<sup>1</sup> D.D.C. 27/6/2.

<sup>2</sup> 'Maistre Estenes de Bourret, souden de Poitiers, clers nostre seigneur le roi, et Iohans de Verre, cheualiers de celui seigneur, deputez depar celui seigneur vis les prises et les forfaitz qe les gentz du royaume de France ont fait aus gentz du royaume Dengleterre durans les treues et puis la paiz confermee entre les deux rois, au bailli du Caleys ou a son lieutenant, salut. Comes nous vous aions autresfoiz mande qe vous adiornesiez pardeuant nous a Monsteroll' as certains iours Haime Pyn, Henri Ofgrendik', Symon Dauin, Guy Sodin, Petre Hues, et les heirs de Gile Prime et Petre Petier a respondre a Ieme le Reue, de London', et autres marchans de Douuer, liquele ne sont venu nenuoie a la dite jornee; enquores vous mandoums et comandoms depar le roi qe vos adiorniez les dites persones pardeuant nous a Monsterol' sus la meer a cestui samadi deuant la seint Iohan Baptiste a respondre au dit Ieme sur plusours malefaicions et prises qil li ount faites deuant les treues et puis la pees sicome li dist, et lour faites saueir qe sil ne vinent a la dite jornee ou envoient sufficient procureur pur eus defendre, nous iroms auant contre eus sicome reisons serra. Et vous mandoms qe vous metez en vostre main depar nous touz lour biens quelquil soient en tiele maniere qe vous nous en sachiez desores enauant a respondre. Et ce qe vous auerez fait, nous rescriuez par vous lettres pendans. Done le mardi dapres la seint Barnabe (14 June) lan m ccc et six.' D.D.C. 27/6/4.



submits his defence (*contestatio negatiua* and *exceptio dilatoria*); the proctor for the plaintiff replies to the statement of the defendant (*repplicatio*). It seems likely that there was also a special time in the proceedings accorded for the production of testimony and the reception of evidence from witnesses. The commission may even have appointed certain days for hearing particular cases.

The process appeared to be working out successfully at first. In April 1306 Clement V sent a demand to Edward I for the release of goods belonging to certain merchants of Amiens and Corbie (*dép. Somme*), which the French claimed to have been seized after the issue of the papal ordinance establishing the process of Montreuil.<sup>1</sup> Edward replied on 5 June that there was no truth in the allegation; and he was able to report that the process was in progress. His own representatives, he stated, 'puis continuelment a cele busoigne ount este et oncore sount entendaunz, issint qe en cele ordenaunce faite deuant vous il i ad eu nule defaute en nous nen nul de noz'.<sup>2</sup> Clement acknowledged his letter by a bull, dated at Bordeaux on 30 June, in which he urged an early settlement of the claims of the two countries,<sup>3</sup> but two weeks before this bull was issued the troubles at Montreuil had come to a head.

On 15 June the four commissioners met in the house of John, called 'de Buetin', at about the hour of vespers and made a deposition regarding their differences before a notary public.<sup>4</sup> The French stated that they wished to proceed in

<sup>1</sup> Papal Bulls, 44/14.

<sup>2</sup> D.D.C. 31/19, m. 3.

<sup>3</sup> Papal Bulls, 44/20, enrolled on D.D.C. 31/19, m. 4.

<sup>4</sup> There are two copies of the instrument, existing in D.D.C. 29/5/13 and 31/19, mm. 5-6. The second is supposedly an enrolment of the first, but it is actually much abbreviated, although it alone of the two furnishes a list of the witnesses to the deposition. The major part omitted in the second version deals with a claim by Peter de Saint-Paul, a merchant of Bayonne, against Johan Pedroge. The English commissioners complained that no justice had yet been done to Peter, although Johan had confessed to the crime in a written statement. The witnesses to the document were: Denis d'Aumale, bailiff of Amiens, and John de Rumell, mayor of Montreuil; Masters John, called 'Comterel', John Bousserit, Vincent de Careron, John and William d'Euessent, all clerks of Montreuil; John de Scoihe, a priest of Norwich; Masters Nicholas de Garçon, of Amiens, and Elias Joneston, Edmund of Wellesworth, William of Sherborne, clerks from the dioceses of Coventry, Canterbury, and Salisbury respectively. All those persons, except perhaps the bailiff and the mayor, probably assisted in the process.

the business according to the form assigned to them by their king, just as it was contained in the petitions, responses, and defences of both parties.

‘But’, as the deposition continues, ‘it was necessary for the sake of common convenience and that the subjects of the king of France might be relieved from costs, vexations, and expenses—and this was always the intention of the lord king of France and of those commissioners deputed by the same lord king—that they betake themselves to the coasts of Normandy, Poitou, and Brittany especially to admit the plaint and demand of plaintiffs of the kingdom of France and of others asserting themselves to have been exceedingly damaged by the English and other subjects of the kingdom of England, and to transfer through the commissioners of each realm the petitions and plaints of the said plaintiffs to those places.’

After that, they were prepared to proceed to England and to receive plaints there, promising to proceed ‘just as right and reason demand’.

To such a proposal the English replied:

‘We have come together here by common consent of all our people. Many plaintiffs of the kingdom of England have come to complain about your people, and we have already begun to take steps by receiving and even hearing answers of others from the kingdom of France against the petitions of many English people. Truly we believed and hoped that at Montreuil we should admit the petitions of all plaintiffs of the kingdom of France, especially since certain days have already been determined upon for English plaintiffs to come here and prosecute their suits themselves or through their legally constituted proctors. We have already waited a long time to carry out the business as it ought to be done according to law and reason. Since it seems to us that you wish and intend to proceed contrary to our intention and the manner fixed and agreed upon among us and the form committed to us, we should by no means dare to proceed in such a way without having consulted our lord. Before we continue we must consult the lord king of England just as you have consulted or have been able to consult the lord king of France by letter or through messengers.’

To allow time for the English commissioners to see their king, it was agreed to leave the process *in statu quo* until the quinzaine of the feast of the Blessed Remigius (15 October) next following. At that time they were to reconvene in some appointed place. If, after having seen their king, the English should want to meet again earlier or to postpone the meeting

until a later date, they consented to signify their intentions to the bailiff of Amiens, who in turn was to notify the French commissioners.

So the commissioners parted. On his way back to England Martel stopped for an interview with the king of France at Croix-St.-Leufroy, 'to demonstrate', as he put it, 'my diligence and that of my said colleague in the office of inquiry to which we have been nominated and elected, lest any default be imputed to our lord or to us'. The record of that mission, particularly interesting because it is set down in the form of a dialogue, is only fragmentary.<sup>1</sup> Nevertheless it reveals the fundamental difficulty that had hampered the success of the process. First, however, the old question of the merchants of Corbie is settled.<sup>2</sup> When the document begins, Philip Martel has already seen the king of France and is now offering to answer the various 'articles' proposed by the French earlier in the day. The record proceeds:

"To which it was replied in this manner: "Lord Philip, there is not enough time at present. Come back immediately after dinner so that we shall then be able to address the council of our lord, for all those of the council will then return."

'At which hour the said Philip returned to the aforesaid place, and in the presence of the chancellor and the aforesaid knight answered in this manner the first article concerning the goods of merchants of Corbie and elsewhere that were arrested in England: "I say that the completion of the execution of the aforesaid bull ought not to be hindered because of the contents in the said article. Nor can a breach of any ordinance be attributed to my lord, for these goods were seized with legal right long before the said ordinance was made in the presence of the said pope. The form of law required according to English laws and customs in matters of this sort has been observed in every respect, just as you will see by inspection of the relevant letters if you have them shown."

"The letters having been shown and read, the said chancellor answered the aforesaid merchants in this manner: "By the letters you show it is apparent that your goods have been arrested on account of the debt of the lord our king long before the ordinance made before the lord pope. Therefore apply to the clerks of accounts to obtain restitution thereupon to the extent of the estimation of the aforesaid debt, and afterwards, as you have suggested, to those hereupon deputed

<sup>1</sup> D.D.C. 29/5/24.

<sup>2</sup> *Supra*, p. 61.

by the said kings in order to have satisfaction for the damages incurred by you at the hands of the people of the lord king of England in valuation of the aforesaid goods." And with those words the plaint of the said merchants before the king of France and his council came to an end."

After settlement of the case of the merchants of Corbie Martel and the French council discussed the demand that probably had most to do with bringing the process to a bad end. Philip the Fair insisted that the commission first devote its attention to considering the primary possession of English demesnes in France and conflicts of administration in these territories. He expected it to review the entire feudal relationship from the treaty of Paris of 1259 onwards. Edward's intentions ran to no such lengths. He wished the commission to consider damages inflicted on both parties since the publication of truce between the two countries and afterwards to set up another body to hear complaints for losses preceding the late war. Martel explained it thus:

'And that for the good of peace of each realm it ought to be begun thus, I shall point out to you the reasons why my lord is moved to observe the said order in respect to the completion of the aforesaid peace. First, . . . he is moved by the fact that the recent war had its beginning in the lack of law about such damages. More losses and dangers will arise, but not out of the demesnes of the aforesaid kings. Further, in re-forming peace between them the said kings have completely remitted all rancours, injuries, misdeeds, and hatreds that arose by reason of their demesnes, and they will arrive at such an understanding that war between them probably need not be feared unless it arise out of deeds of their peoples—which God forbid! Very frequently my lord has been bound by oath to certain of his people of the duchy of Aquitaine who have suffered damages of this sort that he will support them in such matters according to their ancient laws and liberties. Those things my same said lord cannot pass over, nor can he in any way defer acknowledgement of them to the prejudice of his people without breaking his oath or offending the law. Such is not the case with losses and injuries done to him in his demesnes. And you ought to be able to say the same thing about your lord.'

The counter-proposals of the English were described by the French chancellor as being preposterous, and Martel and his colleague, Sir John Bakewell, set out to report to their lord. Bakewell was taken ill at London, however, and

Martel went on alone to see the king. After listening to his story Edward decided that the matter had better be explained to the pope, so the clerk was sent personally to present the matter to Clement V in July 1306. Elias Joneston, who accompanied him on his mission, has left a full report of the speech in which Martel related the failure of the process.<sup>1</sup>

The English commissioners damned the French on four separate counts. The first was that the French were unwilling to award damages that had been clearly proved by written confession of certain defendants. Instead they insisted on hearing all claims of both parties before allowing any sentences to be executed.

The second reason is best expressed in Martel's own words to the French:

'We perceive that the lord king of France has himself or through his councillors undertaken the defence of those about whom the people of England complain. And you who are deputed together with us and who ought to represent no one person but who ought to do justice and equity hereupon—you adhere to a group of your people by helping them with counsel and defending them against us so that they shall not be able personally to answer for their own deeds and to have truth done, by permitting them to answer captiously through advocates and legally to retract confessions at will in circumstances not allowed by law. And you were ordered by your lord king that you so aid and counsel them lest they incur any loss. That seems to be against the ordinance of the lord pope and against our oaths. Of what use is it for Englishmen to go to law against the king of France in his kingdom, against his whole council, and against you who are our co-judges? Certainly none! Further, for that reason we and the king of England and his council ought to act likewise against your plaintiffs. God forbid, for such a situation would have no solution!'

The third reason had to do with the French proposal to proceed first to Normandy, Brittany, Poitou, and afterwards to England and Ireland to receive claims. The excuse they gave was that the people in those regions had been so impoverished by the English that they could not come to Montreuil to plea. Martel told the pope:

'We answered that according to law it ought not to be done, by the

<sup>1</sup> D.D.C. 29/5/14-15.



fact that *actor forum rei sequi teneatur*, and because the majority of the prosecutors of the realm of France have been domiciled in Calais and places in the vicinity. Further, such a method would be difficult, tedious, costly, and useless because we should take up many days and years without any result. For despite our wandering from house to house or from city to city and despite the fact that many are paupers, they would still have to come to England themselves or send proctors to present and prosecute their petitions there since those of England cannot come to them. And so this wandering would be in vain.'

The last complaint was that French defendants had used in their defences the excuse of absence.<sup>1</sup> By that trick they endeavoured to exclude all the complaints of Englishmen, or at least so to cut away the bases of their petitions that no proof could be forthcoming. That was alleged to be 'against the way of proceeding first begun and agreed upon among us'.

From such an indictment Martel went on to request a new bull with amendments in the commission that he thought would obviate the difficulties to which the process had been subjected. He asked for seven changes: after having taken oaths in two or three places of each kingdom, the auditors should consent personally to conduct a judicial inquiry, the same to be agreed to by the two kings; the auditors should commit for settlement those matters to which for one reason or another they could not personally attend to trustworthy and honest men to be chosen by them, but they themselves were to retain the final decisions;<sup>2</sup> cases should be heard and decided by proper fine, and defendants should be compelled personally to answer for their own deeds without quibbling of the advocates; awards based on clearly proved cases should be executed within a period of four to six months; names of the commissioners should not be mentioned in the bull in order that a change in personnel might not necessitate a fresh rescript; the auditors should compel witnesses who for some reason withdrew from the proceedings to assert the truth of their testimony; rescripts in pursuance should be sent to the prior of the Friars Preachers and the guardian of the Friars Minor in regard to their receiving the oaths of the commissioners.

<sup>1</sup> *Supra*, p. 56. To-day 'excuse of absence' would be called 'alibi'.

<sup>2</sup> Commissioners from the Parlement de Paris were not allowed to delegate their authority. Du Breuil, *op. cit.*, cap. xxvii, § 7.



After the mission to the pope the thread of negotiations is lost until October 1306. In the meanwhile Martel had died before the new bull could be issued.<sup>1</sup> On 15 October Sir John Bakewell appeared in Paris in fulfilment of the agreement reached by the commissioners at Montreuil on 15 June.<sup>2</sup> He wandered from place to place seeking the French representatives: to the chapter of the Friars Minor in the presence of the guardian, to the prior of the Friars Preachers, to the palace in the presence of the chancellor, to the house of Sir John de Ver at the Porte St. Martin, and even to Notre Dame, but all search was vain. So Sir John made a public deposition before one John Hervey in which he described his peregrination and painstakingly listed the names of those who could vouch for his appearance at each separate place.<sup>3</sup> Having completed his part of the bargain, and no doubt by that time a very exasperated man, he apparently returned to England immediately.

Bakewell's amusingly ignominious journey marks the end of the first stage of the process and provides a convenient break in the narrative of its history. What significance is to be attached to the activities of the commission, and what implications does the process have? The use of arbitration as such is not unusual. It was frequently employed in all ages where ordinary justice was defective and by the thirteenth century it was especially common. The Greeks used it in commercial cases, although strangers among them customarily came before judges of their own nations. Since plundering of ships was the principal complaint in cases that gave rise to arbitration, the practice occurs only occasionally in Roman maritime history, for in its palmy days the Empire was practically free from piracy.<sup>4</sup> But what is extraordinary about Montreuil is the use to which arbitration was put and the form that it took. Not only were the subjects considered by the commission legal cases, they were also diplomatic questions that had been mentioned in a treaty of peace, the most solemn form of diplomatic instrument. Further, it is

<sup>1</sup> *Supra*, p. 24.

<sup>2</sup> *Supra*, pp. 62, 63.

<sup>3</sup> D.D.C. 29/5/16, enrolled on D.D.C. 31/19, mm. 6-7.

<sup>4</sup> On these points see Pardessus, *Us et coutumes de la mer*, and Tardif, *La procédure civile et criminelle aux xiii<sup>e</sup> et xiv<sup>e</sup> siècles*, particularly pt. 1, ch. ii.

odd that the kings of England and France should have entrusted the matter to representatives chosen from the interested parties instead of turning it over to some disinterested third party like the pope.

The procedure of the commission also calls for comment. Rules for arbitration were generally borrowed from Roman and canon law, but sometimes they are modified in points of detail by local customs. In the instance of Montreuil procedure in the Parlement de Paris was undoubtedly the influence at work, and its procedure was also derived from those two great legal systems. For example, the word *auditeur*, which is the term most frequently employed by litigants in addressing the four arbitrators, was used in the thirteenth century and the beginning of the fourteenth to describe the referendary, a particular kind of commissioner sent out by the Parlement. Parliamentary commissioners were either judges, persons instructed *ad inquirendum et definiendum*, or referendaries, persons instructed *ad inquirendum et referendum*.<sup>1</sup> Moreover, judging from the actions of the French representatives throughout the process, they seem to have considered themselves mere referendaries of the Parlement; and it is significant in this connexion to note that the cases actually came before this court after the proceedings at Montreuil had failed. Again, the form of procedure followed by the arbitrators corresponds very closely to that laid down by the Parlement for its commissioners.<sup>2</sup> Even so, Edward's appointees probably agreed to such a way of doing things without much persuasion on the part of the French. Every Englishman who had judicial dealings with the Church or with continental countries must have been acquainted with Roman and canon law. That was particularly true of Martel, ex-official in the court of Canterbury and *custos processuum*, and Bakewell, sometime royal justice and seneschal of Ponthieu. Yet it seems that the French commissioners had the upper hand, especially since the auditors had been told to disregard English and French law

<sup>1</sup> Guilhiermoz, *Enquêtes et procès*, p. 27; see *ibid.*, pp. 27-66, for a discussion of commissions and the relation of procedure in the Parlement to Roman and canon law. Practically every point of law in the process of Montreuil has its parallel in the law of Parlement.

<sup>2</sup> Cf. du Breuil, *op. cit.*, cap. xxvii-xxvii *quater*, and Aubert, *op. cit.*, ii, ch. 3.

and to work out an independent procedure.<sup>1</sup> From another point of view the procedure is even more interesting, for it anticipates that used by the English Court of Admiralty.<sup>2</sup> The suggestion naturally arises that this court drew upon the great continental legal systems for much of its form; but this is part of another question which hardly falls within the scope of diplomatic administration.

Taken as a whole, the process throws considerable light on the attitude and capability of those who formulated English foreign policy at the time. One of the most curious points about it is that Martel never mentioned to the pope the discussions that had taken place at Croix-St.-Leufroy. All the complaints of the clerk had to do with the failure of the French to observe the letter and spirit of a procedure agreed upon before the commission began to sit; none of them referred to the basic difficulty that undermined the process. But there is little doubt that Martel was given precise instructions as to what he should say to the pope. The explanation seems to lie in the fundamental weakness exhibited by Edward I in his dealings with France. He lacked the power to penetrate the screen of tactics thrown up by his enemies as a cover for their real aims. In all likelihood Philip IV never intended the business of Montreuil to succeed, for by drawing it into his own court he could take another step towards destroying the authority of his vassal. Edward was too bent on observing forms—Bakewell's trip to Paris in October 1306 is sufficient proof of this—and ever anxious to act so that 'il i ad eu nule defaute en nous nen nul de noz'.

It is unnecessary to linger very long over the details of the subsequent history of the process. After 1306 it ceases to be an actuality and becomes instead a convenient lever in diplomacy. Some attention was given to it during the years 1307-11, and Edward II's journey to France in May 1313 was the signal for a revival of interest in its reconstitution. The same thing occurred when Edward III went to France to perform homage in 1326 and 1329. During the period 1333-9 it often served as the red herring that the astute young English king dangled under the nose of

<sup>1</sup> *Supra*, p. 53.

<sup>2</sup> Cf. *Select Pleas in the Court of Admiralty*, i, ii.

Philip of Valois.<sup>1</sup> Several instructions and writs to reopen the process were actually issued in those years, but nothing came of them.<sup>2</sup>

The counsellors of Edward III scarcely knew what course to plot in the face of continued French aggression through the medium of the Parlement de Paris and the acts of French administrative officials. In their eyes the only remedy, and the least objectionable alternative, was to return to the policy of Edward I, who, to them, had known in his time how to get himself out of embarrassing situations with some facility. All of them seemed to be puzzled by the diplomatic practices of his grandson. Thus as early as 1308-9 Elias Joneston

<sup>1</sup> Déprez, *Les préliminaires de la guerre de cent ans*, pp. 53, 92, 95, 97, 102.

<sup>2</sup> D.D.C. 28/2/41, 28/3/5, 46, 49, 30/3/23, 27, 28, 30/1/17, and 30/4/3. The last is a long certificate of Master John Piers as to commissions and letters necessary for resuming the process. Most of the documents are also concerned with the reconstitution of the process of Périgueux, which had suffered the same fate as that of Montreuil. The last inventory of documents relating to Montreuil (6 October 1336) shows the following records to have been in use: 'Item, iiij bullas, vnam directam priori fratrum Predicatorum et gardiano Minorum Parisius et aliam directam decano Abbatisuille et duas directas regi Anglie clausas. Item, duo instrumenta pupplica, vnum integrum factum apud Monstroll' in recessu auditorum continens diuersas causas recedendi et formam resumpcionis processus ibidem inchoati, vnum aliud corosum vermibus in medio et in lateribus factum Parisius super protestacione domini Iohannis de Baugquell' post mortem magistri Philippi Martel. Item, vnum rotulum quinque peciarum cum duabus cedulis continens [*sic*] tenores citacionum super diuersis excessibus per ducem et subditos in mari et in terra. Item, vnum rotulum duarum peciarum continentem primam sufferrenciam captam et primam prorogacionem facientem mencionem de secunda et tercia. Item, quatuor commissiones et vnam litteram executoriam, vnam directam domino Iohanni de Baugquell' ad inchoandum processum Monstroll' cum littera executoria eiusdem, aliam directam I., episcopo Norwicensi, et I. de Britania ad resumendum dictum processum Monstroll', terciam directam magistris Thome de Cobham et Gilbertum [*sic*] de Midelton' ad resumendum processus predictos. Item, j rotulum ix peciarum continentem petitiones gencium regni Anglie apud Monstroll' propositas. Item, vnum rotulum iiij peciarum continens [*sic*] responsiones domini Reyneri de Grimbaus factas ad petitiones gencium regni Anglie apud Monstroll' propositas et specialiter Martini de Raceborgh' et Iohannis de Hetheye. Item, vnum rotulum ij peciarum continentem repplicaciones gencium regni Anglie factas ad responsiones domini Reyneri predicti. Item, j rotulum ix peciarum et j cedulam continentes requestas gencium Anglie et responsionis [*sic*] Iohannis Peidrok' ad easdem. Item, vnum rotulum v peciarum continentem responsiones domini Odardi de Maubushom apud Monstrol' ad petitiones gencium regni Anglie. Item, vnum rotulum ij peciarum continentem replicaciones contra Iohannem de Peidrok'. Item, j rotulum x peciarum continentem petitiones gencium regni Francie contra gentes regni Francie [*sic*] apud Monstroll' propositas. Item, lxxv cedulas de petitionibus Gallicorum contra gentes regni Anglie. Item, iiij rotulos et dimidium continentes nomina dampna passorum querelas eorum coram regum commissariis apud Monstroll' ' (D.D.C. 28/10/5; cf. *ibid.* 28/10/6, a partial copy).

was already warning the council not to allow the delay in continuing the process of Montreuil to be extended 'ad aliqua negocia preiudicialia ipsi domino nostro'.<sup>1</sup> In 1334 he urged in such words as these that the process be renewed: 'Item, si placeat dicto domino nostro et suo consilio huiusmodi negocia cordi habere et super articulis arduis, periculis et dubijs imminentibus in eisdem consulere et remedia ordinare cum diligencia qua decet in tam arduis, prout tempore dicti aui sui erat observatum.'<sup>2</sup> Some five years later Alexander Bicknor doubted whether the process could be resumed, for after having examined the relevant documents he concluded that 'common cognizance could only be extended to damages suffered on land and sea before the beginning of war'. Joneston, who continued to advise that the commission be re-established, countered with an opinion that cognizance could be extended to include all damages that took place while truces and peaces were in force. His argument was based on the fact that 'duplex erat cognicio: prima, videlicet, consuetudinaria et secunda conuentionalis et arbitralis nominata'.<sup>3</sup>

And so it went on: the frequent petitions and advice are but variations on the same theme.<sup>4</sup> In all the thirty-odd documents dealing with the course of the process after 1306 there are but two exceptions. Some anonymous person at the beginning of Edward III's reign advised the king to consider the matter to be closed, lest the French be aroused to obtain by war what they had failed to get through negotiation. He even feared that the papal curia would support any fresh demands the French might make.<sup>5</sup> Before the outbreak of the Hundred Years War Alexander Bicknor

<sup>1</sup> Ibid. 29/6/11 *dorso*, part of a long memorandum of the state of Anglo-French relations at the time.

<sup>2</sup> Ibid. 30/3/25; *ibid.* 30/3/13, 24, 26 are other copies.

<sup>3</sup> Ibid. 30/7/12.

<sup>4</sup> For example, the following passage from a memorial addressed to the chancellor in about June 1334: 'Item, quod impossibile seu difficile erit omnibus aduocatis Anglie et Vasconie dictum dominum nostrum regem et suos in curia Francie conseruare a guerre et exheredacionis periculis vel a maiori subieccione erga coronam Francie quam eorum antecessores esse consueuerint nisi placeat paternitati vestre reuerende quod littere necessarie ad defensionem iuris dicti domini nostri in premissis fiant, prout quidam ex cancellariis patris et aui ipsius domini nostri fieri fecerunt.' Ibid. 28/3/25.

<sup>5</sup> Ibid. 29/10/4.

made another representation to the effect that the king had probably forfeited the right to resume the processes of Montreuil and Périgueux because the conditions of the original agreement had not been fulfilled, because the commissions of the deputies were defective, and because the king had allowed such matters to come within the purview of the Parlement de Paris.<sup>1</sup> That is the last mention of the process, for the beginning of hostilities put an end to such discussions, as indeed it did to all diplomatic negotiations emanating from the treaty of Paris of 1259.

<sup>1</sup> D.D.C. 28/5/20.



## IV

### CALENDARS AND REGISTERS

‘. . . dominus Edwardus, rex Anglie illustris, sollerterque considerans quot dispendia quotque dilacionum periculosarum fastidia, defectus et carencie litterarum, processuum, et memorandorum in negociis vel causis suis et subditorum suorum ad instructionem necessariorum vel utilium, eo quod ubilibet reposita ex difficili reperiebantur, causas huiusmodi et negocia prosequentibus frequencius intulerunt, . . . quibusdam clericis suis . . . iniunxit quod distinctis titulis certum facerent kalendare . . .’—*Preface to the Gascon calendar* (1322).

THE reasons that lay behind the creation of the office of *custos processuum* led at the same time to the compilation of four great manuscript books of diplomatic documents.<sup>1</sup> The practical impossibility of dealing with a large number of originals, combined with the necessity of remedying the rather sad condition of the main depositories, demanded that records in constant use should be accessible in summary form. As a general rule, originals were thought too precious to be let outside the confines of the treasury; by far the majority of documents in the archives of the keeper of processes were transcripts. The books that proved effective in overcoming those difficulties were Liber A and Liber B, products of the reign of Edward I, and the Gascon calendar and Bishop Stapeldon’s calendar, made during the reign of Edward II.

Liber A is a manuscript of 457 folios, of which 115 are blank and two are missing; its companion is a smaller volume of 371 folios, of which 115 are blank.<sup>2</sup> Unlike the two later books, these are *registra munimentorum*, and consequently contain more than a mere inventory of documents then

<sup>1</sup> For the student of administrative history the fourteenth century offers a series of notebooks and registers of which a profitable survey could be made. See Maitland’s article on ‘The History of the Register of Original Writs’ (*Collected Papers of F. W. Maitland*, ii. 110–73), Dr. Friedrich Bock’s paper, ‘Some New Documents illustrating the Early Years of the Hundred Years War (1353–1356)’ (*Bulletin of the John Rylands Library*, vol. xv (1931), pp. 60–99), the manuscript of Thomas Hoccleve on the common forms of the privy seal (*Catalogue of Additions to the MSS. in the British Museum in 1854–1875*, ii. 3; H. C. Schulz, ‘Thomas Hoccleve, Scribe’, in *Speculum*, vol. xii (1937), pp. 71–81), the *Liber epistolaris Ricardi de Bury* (Hist. MSS. Com., *IVth Report*, i. 379–97), and the privy seal registers mentioned by Perroy (*Diplomatic Correspondence of Richard II*, pp. xvii–xxvii).

<sup>2</sup> Misc. Bks. Exch. T.R., vols. 274, 275.

existing in the various archives of the state; all the materials found in them are complete transcripts of originals. The contents cover a wide range of subjects relating both to internal affairs and to foreign relations. Under the latter head fall transcripts of papal bulls and treaties, letters, and other diplomatic documents of the reigns of Henry III and Edward I concerning relations with Brabant, Norway, Navarre, Aragon, Castile, France, Savoy, and Sicily, as well as matter relating to the English possessions in France.<sup>1</sup>

A table of contents at the beginning of each book indicates the groups of documents that follow. Various signs and figures mark the principal divisions, while letters refer to the chests, hampers, coffers, and other receptacles in which the originals of the documents transcribed in the volumes were deposited. Some one in the seventeenth century numbered the folios to facilitate reference. Most of the entries are accompanied by brief summaries written in the margin apparently after the actual transcription had been done, and papal bulls are noted *canabi* or *serici*, that is, whether letters of justice or letters of grace. There are many fine majuscule letters into which the scribes drew amusing faces, perhaps those of their fellow clerks. They were done at the transcribers' leisure, for many blanks are left for these initial capitals.

The large number of blank folios were placed between the various major divisions to allow space for additions at some future time.<sup>2</sup> Liber A is actually incomplete. The missing sections are 'Titulus Scocie in cofro T, Quidam rotulus de processu placitorum inter quasdam partes Baione', and 'Item, libri compoti garderobe de anno xix<sup>o</sup>, videlicet, libri contrarotulatoris'. Among the items in the coffer marked T were evidences found in ancient chronicles existing in monasteries of England and Scotland proving the

<sup>1</sup> See the lists printed in Giuseppi, *Guide to MSS. preserved in the Public Record Office*, i. 211-12.

<sup>2</sup> Mr. J. G. Edwards, however, thinks that these blank folios indicate the method used in compiling the volumes. According to his theory, quaternions were distributed to various clerks, each of whom filled as much of his quaternion as his material required. As different clerks wrote different sections, fresh quaternions were used to begin each new class of records, and accordingly a great amount of parchment remained blank.

right of the king of England to the lordship of Scotland.<sup>1</sup> Other entries included a treaty between Henry II and the king of Scotland, and documents bearing on homage and the Scottish arbitration of Edward I.

The handwriting in the two volumes indicates that they were the work of several different persons over a period of several years. Many of the marginal summaries are written in a script curiously like that found in contemporary notarial instruments, and this suggests that the clerks who performed the task were notaries from the chancery and the wardrobe. On the other hand, the lack of specific names in the recorded payments for the transcription raises a question whether the transcribers were of sufficient importance to be notaries.

Work on the registers probably began shortly after September 1282. At that time three clerks submitted an inventory of certain documents seen in the treasury at Edinburgh.<sup>2</sup> The reported collection included various papal bulls and diplomatic documents touching England, Norway, and Flanders, particularly as to their relations with Scotland. Assuming that the documents in coffer *T* were to have been the last transcribed into Liber A, the date of its completion would be about 1292, the date of the settlement of the Scottish arbitration. Liber B appears to be the later of the two registers. The fact that it is better organized and written and that most of the blanks left for initial capitals are in the second volume substantiates that conclusion.

The greater part of actual transcription was done in the wardrobe, possibly under supervision of the controller. Entries in wardrobe books of 1290, 1297, and 1300 reveal that a collection of bulls and documents relating to the marriage of the Maid of Norway and to the confederation with the count of Flanders were in the archives of the department.<sup>3</sup> The following payments by the wardrobe

<sup>1</sup> '... ex quo liquido apparet quod reges Anglie ab antiquo habuerunt et habere debent subiectionem, homagium, fidelitatem, et superius dominium regni Scocie.' These exist to-day among the Scottish Documents Exch. 100/112, 139, 140, 152-62, 164-71, 179, and 3/46. Many of them were printed by Palgrave, *Documents and Records illustrating the History of Scotland*, i. 56-134.

<sup>2</sup> Rymer, i. 615. By a recent act of parliament these documents were returned to their original depository in Scotland.

<sup>3</sup> Chan. Misc. 4/5, fos. 10, 11*d*; *ibid.* 4/6, fol. 5; *L.Q.G.*, p. 59.

in 1300 and 1305 refer to the expenses of transcribing Liber B:

‘Domino Henrico de Sandwico, capellano domini Iohannis de Drokenesford, pro denariis per ipsum solutis pro stipendis quorundam clericorum transcribencium quasdam compromissiones factas in curia romana, per nuncios regis Anglie et regis Francie, per manus Iohannis Poveray, apud Westmonasterium, mense Maii, 5s. Eidem pro pergameno empto ad dictas compromissiones inscribendas, 1s. 2d. Summa, 6s. 2d.’<sup>1</sup>

‘Domino Roberto de Cotingham, moranti apud Westmonasterium per preceptum regis ad faciendum transcribere omnas bullas et preuilegia a summis pontificibus temporibus retroactis regi concessa, ac in alia scripta diuersa tangencia confederaciones factas inter Anglie et Francie reges, et alia scripta in thesauraria regis apud Turrim London’ inuenta, pro expensis suis et quorundam clericorum de cancellaria morantium ibidem in comitiua eiusdem Roberti pro dictis bullis et scriptis transcribendis et examinandis, a xxiiij die Nouembris vsque xvij diem Decembris, vtroque computato, per xxv dies, per quas morabatur circa idem negocium, vt in pane, vino, ceruisa, cane, pisce, salsa, busca, et aliis ad expensas predictas necessariis, ix li. xvijs. xd. Eidem, pro denariis per ipsum solutis sex clericis de cancellaria transcribentibus et examinantibus bullas et scripta predicta pro stipendiis suis infra dictum tempus, xxxvijs.’<sup>2</sup>

After completion of the work the transcripts in the registers were checked against the original documents for accuracy. That is the only satisfactory explanation for a series of names found among the marginalia of each book; for example, *examinatur per I. de Hauerhulle*. Other names, difficult to identify, are those of Draghton, Iernemue, Hauonte, Bosse, Tumbe, I. de Derb’, Robertus de Colle, and Stowe.<sup>3</sup> In inserting their names the clerks were following the customary chancery and wardrobe practice of placing on writs and debentures the names of the responsible clerks.<sup>4</sup>

<sup>1</sup> *L.Q.G.*, p. 67.

<sup>2</sup> *E.A.* 369/11, fol. 34.

<sup>3</sup> Of these, Robert Cole appears in *C.C.R.* (1279–88), p. 386; a Hugh, Adam, and a John Gernemuth (Jeremuta) in *ibid.* (1272–9), p. 111, *ibid.* (1279–88), p. 548, *ibid.* (1288–96), pp. 124, 272, *C.P.R.* (1272–81), p. 272, and in *ibid.* (1281–92), pp. 178, 352; while both a Walter and a John Stowe are in *C.C.R.* (1279–88), p. 544, *ibid.* (1288–96), p. 447, and in *C.P.R.* (1292–1301), p. 339. John of Derby was a chancery clerk employed in the wardrobe (MS. Add. 7966 A, fol. 47).

<sup>4</sup> Maxwell-Lyte, *The Great Seal of England*, p. 266.

The Gascon calendar, which not only describes the two preceding registers but even follows their general plan of arrangement and reference, has a history dating back to the negotiations at Périgueux.<sup>1</sup> The envoys present at that conference were at a disadvantage throughout the proceedings because in 1294 the French had captured the records at Bordeaux relating to the matters in dispute. Robert of Leiseth had left the records with the White Friars on the island of Oléron, which was soon afterwards taken by the French, who plundered the friary and seized the documents. The resulting loss necessitated fresh transcripts from the originals and from registers in the wardrobe, and, when the process of Montreuil began, the work of transcribing was still incomplete.<sup>2</sup>

In July 1315 Master William de Casis, on behalf of the king's council in Gascony, petitioned the English council that transcripts be made and sent to the castle of Bordeaux.<sup>3</sup> The records wanted were those 'in the treasury of our said lord in England, in the custody of his treasurer or of the keeper of his wardrobe', and those brought by the bishop of Norwich from Gascony and surrendered in the wardrobe, as shown by a memorandum made to William Maldon, a public notary. The petition was referred to Elias Joneston, the person who knew most about such questions, and he made a report on the matter. His notes give some indication of the contents of the register subsequently made, and together with the Wolfenbüttel MS. 2311<sup>4</sup> and Cottonian MS. Julius E. i<sup>5</sup> form the only known surviving parts of it.

Joneston limited his remarks to the memorandum, outlining the contents of its seventeen articles. They fell into eight groups: letters and commissions of acquittance from the chancellor's rolls, from 1259; expenses of knights for two years; homages of various persons and places, particu-

<sup>1</sup> *Supra*, pp. 12 ff.

<sup>2</sup> Galbraith, 'The Tower as an Exchequer Record Office in the Reign of Edward II', in *Essays presented to Tout*, p. 234.

<sup>3</sup> D.D.C. 27/14; cf. *ibid.* 29/8/8.

<sup>4</sup> Edited by Bémont, *Recueil d'actes relatifs à l'administration des rois d'Angleterre en Guyenne au xiii<sup>e</sup> siècle*.

<sup>5</sup> See my article, 'An Unidentified Gascon Register', *E.H.R.*, vol. liv (1939), pp. 293-9.



larly those 'quedam inueniri possunt in magno sacco in Turri London' et in coffris de garderoba ibidem existentibus'; all documents contained in the same sack relating to Saintonge and Agenais, especially those involving the count, Alphonse, and the bastides; privileges granted by the kings and dukes to counties, churches, &c., to be gathered from the confirmation of these privileges and the replies of the council in parliament to petitions on these matters; a list of churches founded by the kings and dukes; cases to come before the duke; and feudal recognitions, copies of charters, and debts, the last to be taken from a collation of the ancient rolls of accounts of the duchy of Aquitaine.

The work of compiling the register was under supervision of the chamberlains of the exchequer and was probably completed not long after July 1318.<sup>1</sup> John Hildesle and a staff of clerks did the actual writing and, in addition to transcribing the earlier registers, rearranged and copied the Gascon documents in the Tower and in the treasury at Westminster.<sup>2</sup>

The Gascon petition of 1315 and the sorting of documents by Hildesle and his colleagues possibly attracted the attention of Walter Stapeldon, who became treasurer of the exchequer in February 1320. At any rate, Stapeldon soon decided on a similar compilation of a more comprehensive character for use by the home government. On 6 August 1320, by warrant under the privy seal, Master Henry of Canterbury was ordered

'to make a calendar divided into titles of all processes, letters, instruments, and rolls touching the duchy of Aquitaine in the treasury and wardrobe, in order to have a fuller memory thereof in the future, as shall seem good to him, and according to what has been previously said to him by the king's council, and to cause the matter to be done by those whom he shall see fit to take for this purpose, and to put in due form the undecided processes pending and continued until the next parliament of France, for the information of the king's advocates, and to cause to be transcribed what he shall deem necessary before the quinzaine of Michaelmas [13 October].'<sup>3</sup>

A mandate in pursuance to the treasurer and chamberlains

<sup>1</sup> C.C.R. (1318-23), p. 5.

<sup>2</sup> Galbraith, *op. cit.*, p. 235.

<sup>3</sup> C.C.R. (1318-23), p. 319; cf. *Anc. Cor.* xxxii. 77, dated 5 October at Sheen.



of the exchequer ordered them to allow Henry free access to the archives and to pay his wages.

Apparently nothing was done about the matter for a long while, for the clerks in charge of the processes in the court of France excused the delay in exercising their functions by blaming Henry of Canterbury. He, strangely enough, excused himself on the grounds that he was unwilling to undertake the job alone.<sup>1</sup> Soon afterwards Master John Bush, a wardrobe notary, and Master Jordan Morant were commanded to help him. Bush, however, was unable to assist and in June 1321 Master Richard Burton was appointed in his place.<sup>2</sup> Neither Burton nor Morant did much, for Elias Joneston and Roger Sheffield, experts in such matters, replaced them in July 1321, a month before Stapeldon left office.<sup>3</sup> The instructions were somewhat extended by this last writ. In addition to making a calendar of the specified documents they were 'to have the said documents stored separately, so that they can easily be found, and when necessary to have transcripts made of such instruments'. The exchequer and the wardrobe were to share the expense of compilation. Even then, it was not until the whip-hand and reforming zeal of the bishop of Exeter, who came back into office in May 1322, had been loosed that the task was completed. The finished calendar was delivered into the treasury by Stapeldon on 17 November 1322 and by him given to Robert Baldock, keeper of the privy seal, on 4 December, no doubt for custody in the wardrobe.<sup>4</sup>

The calendar is a volume of 100 folios, done on parchment in fine court hand.<sup>5</sup> The handwriting suggests that it was largely the work of Elias Joneston, although the task was too great for him to complete alone in such a short time. The preface, which curiously enough omits any mention of

<sup>1</sup> D.D.C. 27/12/24. The statement, 'Excusacionum cause clericorum de consilio Anglie et Vasconie in processibus pendentibus in curia Francie', is printed in a forthcoming article, 'Henry of Canterbury'.

<sup>2</sup> C.C.W. i. 521.

<sup>3</sup> C.P.R. (1321-4), p. 5.

<sup>4</sup> Palgrave, *Antient Kalendars and Inventories of the Exchequer*, iii. 437; Tout, *Place of Edward II*, pp. 170-2.

<sup>5</sup> *Kalendare litterarum, processuum, et memorandorum ducatus Aquitanie* (Misc. Bks. Exch. T.R., vol. 187). M. Déprez has published the preface, index, and three of the relevant writs in 'Le Trésor des chartes de Guyenne', *Mélanges Bémont*, pp. 234-42. I am preparing an edition of this calendar.

Stapeldon, contains interesting comments by the compilers. It begins with a miniature discourse on kingship, stating that the duty of a prince was not only to work for the well-being of his subjects, making them rich and happy, but also by his foresight to guard them against any possible vexation and injury. Therefore Edward, realizing the dangers, delays, and inconveniences caused his people by the inaccessibility of documents scattered throughout the treasury and wardrobe, set his clerks to the task of making the calendar. They make no effort to conceal how unwelcome was the thankless task that they felt ill prepared to undertake; God alone, *ex quo omnis est sapientia*, had given them the knowledge indispensable to such a work. They beg indulgence, therefore, for any possible gaps, imperfections in method, and errors of classification.

After collecting and examining the documents, Henry of Canterbury and his colleagues divided them into five sections, the first two dealing with Anglo-French conventions and the remaining three with Guyenne. The first section contains papal bulls relating to Aquitaine and to marriages; letters of the king of Castile and his proctors touching Aquitaine; letters of the kings of France and their envoys on various peaces and truces; similar letters of the king of England and his envoys, and of the French ambassadors, treating also of marriage contracts; a notarial instrument on the compromise of the two kings made through the mediation of Boniface VIII; and letters of the kings relating to Aquitaine.

The second section consists of private letters addressed to Edward I by the queen of France, his brother, Edmund, and Hugh de Ver during the negotiations at Paris on the subject of the surrender of Gascony to the king of France, and Edward's replies to them; divers schedules, memoranda, and letters of the queen of France and Edmund on the same subject; rolls and memoranda touching the Gascon war, and preparations made before and after it; records bearing on various embassies sent to France, England, and the papal curia; rolls, schedules, and memoranda concerning the revision and completion of truces and alliances, including reasons to justify the king of England in declaring war,

reasons why the Scots should not be included in the peace, memoranda of Henry's visit to France and an act of Blanche, daughter of the French king, public instruments of peace between the two kings and a copy of letters of grace conceded by Philip, and various aspects of the processes of Montreuil and Périgueux.

The third section is composed of letters regarding the island of Oléron, Bordeaux, Bazas, Bergerac, Bayonne, various parts of Landes, Béarn and its count, Armagnac, Fezensac, Bigorre, Agenais, Saintonge, and Périgord, along with obligations, quittances, and letters to and from various persons in Aquitaine.

The fourth section concerns the process on the bastide of Agen between the king of England and the executors of Alphonse de Poitiers; and processes between the king and the count of La Marche, the men of Auvillar, the viscount of Fronsac, Marie, lady of Aubeterre, over Castillon, Bernard de Ravignan, Raymond de Castenet, the bishop and chapter of Puy over Bigorre, W. Eschamat, Gausbert Fumel, the abbot and convent of Sauve-Majeure, Gombald de Tiran, Raymond de la Cour, the prior of La Réole, the dean of Bordeaux over the priory of Belvès, the abbot and convent of Grandselve, the archbishop of Bordeaux over *londrage*, and Jourdain de l'Isle over a duel.

The final section contains rolls, schedules, and memoranda relating to the seneschal of Saintonge, Gaston de Béarn, and to Bordeaux, Périgueux and its environs, Bayonne and environs, Landes, and Bigorre; various processes, acts, memoranda, and instruments having to do with Aquitaine; Gascon petitions and answers; indentures of similar instruments surrendered by the wardrobe to envoys and later restored; inquiries made in Gascony in 1310; accounts and revenues of the duchy; and several registers and cartularies containing material relating to the duchy.

The compilers divided each of the five sections into chapters and placed an index at the beginning of the book whereby its contents could be easily ascertained. It was an eminently practical work designed to facilitate the use of diplomatic documents; blank pages were left so that the contents could be kept up to date. The enrolled documents,

originals or copies, were placed in coffers, baskets, and sacks which were marked by signs corresponding to those in the margin of the calendar. Such an index to the archives must have seen considerable service; no doubt it was a great boon to Elias Joneston, who had custody of it from 1329 to 1336.<sup>1</sup> Transcripts were also made from it on three occasions immediately following its completion. Certain documents relating to Béarn, France, and Scotland were needed in negotiations, and the list of copies to be taken was drawn up from the pages of the calendar.<sup>2</sup>

The Gascon calendar apparently suggested to Bishop Stapeldon the idea of a similar work comprising general documents. The compilers definitely state in the preface that the second calendar was done at the treasurer's instigation. On 28 July 1321, while the Gascon calendar was still in progress, Henry of Canterbury, Elias Joneston, and Roger Sheffield were ordered to make 'a calendar of all letters, processes, instruments, and memoranda in the treasury and wardrobe affecting the realm and the king's lands in Ireland, Wales, and Scotland, after the completion of the before-mentioned calendar of documents touching the duchy of Aquitaine'.<sup>3</sup> Canterbury, however, took no active part in the work; Joneston and Sheffield, assisted by three exchequer clerks, carried out the actual compilation.<sup>4</sup>

The calendar, completed late in 1323, represents Stapeldon's efforts to organize the treasury as a record office. In the preface he states how unsatisfactory the state of the archives had become, because of the practice of moving or transferring royal muniments from person to person and from place to place. Consequently, the calendar is only concerned in a secondary fashion with diplomatic documents and is the least important of the four compilations in this respect.<sup>5</sup> The method, however, was precisely that used in compiling the Gascon calendar. Of the twenty-seven divisions, only thirteen concern diplomacy: (3) papal bulls; (10) quittances relating to foreign pensions and loans;

<sup>1</sup> *Supra*, p. 31, n. 2.

<sup>2</sup> D.D.C. 29/9/11, 29/10/6, 22/9/128.

<sup>3</sup> C.P.R. (1321-4), p. 7.

<sup>4</sup> Galbraith, *op. cit.*, p. 236.

<sup>5</sup> The complete calendar is printed by Palgrave, *op. cit.* i. 1-155.

(11) homages, safe-conducts, inquests, enrolments, &c.;  
(18-27) letters and memoranda relating to Holland, Bar, Brabant, Sicily, Ponthieu, Castile, Aragon, and Burgundy. Stapeldon's calendar, then, served as a supplement to the Gascon calendar and as a means of bringing Liber A and Liber B up to date.

## AGENTS AND MECHANICS OF DIPLOMACY

THE medieval English foreign office consisted roughly of two main branches or divisions. The first was a quasi-permanent organization, an office extraordinary which, although intimately connected with the great departments of state, actually existed as a separate organ of administration. Its keeper, to draw a rough analogy, was a sort of permanent under-secretary of state for foreign affairs. The scope of his activities, however, was necessarily limited. With all his multifarious duties he could scarcely be concerned with every phase of the everyday conduct of diplomacy: it was enough that he should keep his archives and use them for the benefit both of those who formulated and of those who executed English foreign policy. Had his office been otherwise, had it embraced everything concerned with diplomacy, it would, indeed, scarcely have been medieval. There remains, then, the second division, which has to do with the envoy and the mechanics of ordinary diplomatic representation. It also concerns the roles played by the council, the chancery, the exchequer, and the wardrobe in foreign affairs, particularly in relation to the activities of the English diplomat.

## (i) THE ENVOY

What were some of the usages of diplomacy during the medieval period and what, in the medieval mind, was an envoy? Several treatises, based on papal decretals, were written about *legati* of the thirteenth century, referring mainly to the papal legate rather than to the secular diplomat. In his *Speculum legatorum*, however, Guilielmus Durandus offers a definition of both types. He writes, 'Legatus est seu dici potest, quicumque ab alio missus est, . . . siue a principe, vel a papa ad alios, . . . siue ab aliqua ciuitate, vel prouincia ad principem vel ad alium. . . . Sed et nuncii, quos apud nos hostes mittunt, legati dicuntur, quorum legatorum causa sancta res est.'<sup>1</sup> He qualifies his

<sup>1</sup> Hrabar, ed., *De legatis et legationibus tractatus varii*, p. 32.



definition by two further statements: 'Potestas legati dependet ex virtute literarum. Litera legationis debet continere principalem causam commissionis legati.'<sup>1</sup> The term, *legatus* or ambassador, then, implied two essentials: a person properly accredited according to an established formula; and a person empowered to represent his employer, not merely to express his point of view and to execute his wishes, but to personify his dignity. The phrase 'to personify his dignity' is an important one. As Rawdon Brown has pointed out, the consideration of one court for another was shown by the ceremonial with which envoys were received, 'and the minute accounts of these receptions with which the diplomatic archives abound, are not the effusions of gratified vanity, but rather the narratives of facts of political significance'.<sup>2</sup> The ambassador represented the most solemn type of diplomatic agent, and in the fifteenth century the right to an embassy had come to be accorded in Rome only to rulers of independent states, unless the pope chose to make an exception. Further, it was generally admitted that private individuals could not employ ambassadors, but merely *nuncii* or *procuratores*.<sup>3</sup>

Actually, the word 'ambassador' seldom occurs in English records,<sup>4</sup> and even *legatus* is rare, save in reference to the papal legate. The usual terms are *nuncius*, *nuncius specialis*, or simply *fidelis noster*, and the second of these is customarily employed in connexion with *procurator*. What the distinction was between the *legatus* and the *nuncius* in the thirteenth and fourteenth centuries is not clear. In all probability the *nuncius specialis* was identical with the *legatus* or ambassador,

<sup>1</sup> Ibid., p. 34.

<sup>2</sup> *Calendar of State Papers, Venetian*, i. li. For example, Edward III's cool reception of the messengers of Philip reveals the attitude of the English court towards France (Froissart, ii. 228), and the grace with which the doge of Venice replied to the agent of the English crown reflects a certain desire for amicable relations with England (*Cal. State Papers, Venetian*, i. 8-9), as do the festivities that marked the arrival of the English envoys in the Low Countries (Jean le Bel, i. 78, 121; Froissart, ii. 189-90, 351, 376, 378).

<sup>3</sup> Behrens, 'Treatises on the Ambassador Written in the Fifteenth and Early Sixteenth Centuries', *E.H.R.*, vol. li (1936), p. 619.

<sup>4</sup> The only instance I have noted appears in the account of Master Richard Plumstock, sent to Avignon in 1315-16. The phrase is, 'ad tractandum cum *coambaxatoribus* meis super negociis domini regis exponendis ad curiam'. E.A. 309/20.

while the difference between the *nuncius* and the *legatus* was possibly the same as that drawn in the fifteenth century. At that time the *nuncius* 'might be either the envoy of a private individual who as such had no right to an ambassador, or else of a person or a body which had such a right, but did not when employing him choose to exercise it. In this case he was simply the bearer of a message or a letter.'<sup>1</sup> Froissart gives a good illustration of a *nuncius* at work. The chronicler is relating the story of how the bishop of Lincoln defied the French king:

'And the bishop of Lincoln entered the chamber of the king, greeted him and bowed before him, all the other lords following. He delivered his letters to the king of France, who received them and broke the small seal that was around them. The letters were written on parchment and fixed with a great seal that hung from them. The king looked at them for a short time and then handed them to one of his clerks to be read. . . . When Philip heard the letters read he turned to the bishop and began to smile, telling him that he had transacted well the business for which he was sent.'<sup>2</sup>

If the fifteenth-century distinction is applicable to an earlier period, it is interesting to infer that the monarch of the thirteenth and fourteenth centuries had at his command the same subtlety employed by the modern state when it distinguishes between 'sending a note' and 'making a diplomatic representation'.

The *procurator* was originally a legal representative, and for the most part retained this characteristic. In France he was the official of the Parlement de Paris most conversant with its intricate procedure. To gain such an office a person had to be registered on the roll of Parlement, to be twenty years of age, worthy and capable, and to swear an oath.<sup>3</sup> The proctor-general of the Parlement bears a certain resemblance to the type of *procurator* found in diplomacy. His principal function was constantly to defend the rights of king and crown, and to watch over the integrity of the royal domain. He intervened in administration, in questions of

<sup>1</sup> Behrens, op. cit., p. 622.

<sup>2</sup> Froissart, ii. 425-7. The practice of having a clerk to read diplomatic communications was also followed in England (ibid., 4<sup>e</sup> rédition, ii. 230-1).

<sup>3</sup> Aubert, *Histoire du parlement de Paris*, i. 219.

commerce or industry, instruction or diplomacy. It was his task to communicate to the Parlement the treaties concluded by the king and to discuss their terms.<sup>1</sup> The diplomatic *procurator* combined the functions of the proctor and, to a more limited extent, those of the proctor-general: he was originally employed to transact legal business; only later did he assume diplomatic functions. Even then he was an agent rather than a representative. In the fifteenth century it could be said that 'the proctor spoke in his own name on behalf of his master, but the nuncius spoke in his master's name and was like a magpie or a musical instrument: "loquitur enim per se sed non a se"'.<sup>2</sup> That is probably the reason why credentials of envoys engaged in framing treaties contained both the terms *nuncius* and *procurator*; in such matters the agent had also to be the representative.<sup>3</sup>

In addition to the main groups of envoys there were numerous persons whose duty it was merely to carry written messages to be delivered and read by others. Such simple errand-runners or messengers were called *cokini* (inferior servants or messengers), *valleti* and *garçiones* (grooms or servant-boys), *sumetarii* (persons in charge of sumpter-horses), *cartarii* (persons in charge of carts), *sartores* (tailors), and *falconarii* (falconers).<sup>4</sup>

The purpose of the majority of embassies was diplomatic; that is, to draw up treaties and truces, to seek alliances, or to arrange the final settlement of terms of agreements already established. Some, however, were concerned with commercial affairs, such as the purchase of destriers in Spain and Sicily,<sup>5</sup> or with the redress of mercantile grievances,<sup>6</sup> or such business as is illustrated by the interesting series of documents printed by Rymer relating to the extradition of Thomas Gournay and others through the efforts of Giles of Spain.<sup>7</sup> The duration of an embassy naturally depended on the character of the business to be transacted, the obstinacy or agreeableness of the parties concerned, the length of the journey, and the personal ability of the envoy. To an

<sup>1</sup> Ibid. i. 156; ii. 183.

<sup>2</sup> Behrens, op. cit., p. 622.

<sup>3</sup> *Infra*, p. 109. Similar to the *procurator* was the *commissarius*.

<sup>4</sup> All these types can be found in E.A. 308/1, 4.

<sup>5</sup> Rymer, ii. 830, 862, 917.

<sup>6</sup> Ibid. 1011 *et passim*.

<sup>7</sup> Ibid. 819-21, 839, 840, 843, 850.

appreciable extent it was circumscribed by the rank of the diplomat: the higher the rank of an ambassador, the more slowly did he travel, for the ostentation of the latter had to be in keeping with the dignity of the former.<sup>1</sup>

The more important English embassies were colourful affairs, expressly so in order to impress prospective allies with the wealth and might of the kingdom of England. The chronicles abound in descriptions of them. The journey of that 'gentil prelat', Henry Burghersh, bishop of Lincoln, to the Low Countries was perhaps the most famous during the years prior to the outbreak of Anglo-French hostilities in 1339. His retinue probably included minstrels,<sup>2</sup> and there were ten *chevaliers banerès* and forty other young bachelors who attended the feast given in London by the king to the whole company before its departure 'beyond the sea, at great expense'.<sup>3</sup> When the company arrived at Valenciennes, each of the barons occupied a separate hostel and dressed himself in fine clothes to meet the count of Hainault.<sup>4</sup> If Froissart can be believed, each lord carried 100,000 florins with which to keep his court.<sup>5</sup> At any rate, the journey to Valenciennes was a slow and expensive one. The people of that city marvelled at the great estate maintained by the envoys, although it must have been a strange sight to see the English knights and squires wearing a piece of white cloth over one eye in fulfilment of a vow to the demoiselles of their country never to see with both eyes until they had performed some feat of arms in the realm of France. When the company arrived in Flanders many costly dinners were given in order to recommend Edward III and the English

<sup>1</sup> For example, when Henry of Lancaster, Bartholomew Burghersh, and William Montague were going abroad in 1329, thirty others accompanied them, among whom, in the retinue of Lancaster, were four knights, six clerks, and four *valetti* (Rymer, ii. 772). Forty ships were required to transport the bishop of Lincoln and his colleagues back to England in 1337 (ibid. 974), and when the bishop went abroad in 1338, fifty-seven people accompanied him (ibid. 1027). In the same year the earl of Northampton took seventy-four people with him on a mission (ibid. 997, 1039), while William de la Zouch, the king's clerk, took only five people in his company to make a hasty provision for the king's journey abroad (ibid. 762).

<sup>2</sup> Hist. MSS. Com., 11th Report, iii. 216.

<sup>3</sup> Jean le Bel, i. 124.

<sup>4</sup> Froissart, ii. 347. 'Quant chil ambassadeur furent venu à Valenchiennes, il se logièrent sus le marchié à leur aise en trois hostels, au Chine, à le Bourse, et à l'ostel à la Clef' (4<sup>e</sup> édition, 354).

<sup>5</sup> Ibid. ii. 374.

cause to the Flemish, and the venerable and wealthy Simon le Courtissien entertained lavishly in return.<sup>1</sup>

But the position of an envoy was not always a happy one. A safe-conduct from the country to which he travelled was necessary, and a monarch's desire to protect his own interests might well restrict the activities of the envoy who could not discover some means of circumvention. One of those rare instances in which the chancery rolls throw light on the details of diplomatic practice will serve to illustrate the point. The king is sending to Ralph Basset, constable of Dover, instructions for the reception of the archbishop of Vienne and the bishop of Orange, papal envoys:

‘... the constable is to say to them himself, as of his office, in fitting manner: “Lords, you have come by the king’s conduct, please shew it.” And when it is shewn, he is to charge the points well, saying: “Lords, by custom it pertains to the office of constable, at the entry into the land of any stranger carrying power, especially in times of disturbance, to charge those thus entering to shew and signify to the king before all things the cause of their coming and what they bring; but it seems to me that you have done so wisely and advisedly, as appears by words of the conduct, wherefore I abstain from doing so. But, in addition, lords, as pertains to my office and is accustomed, I forbid you, on the king’s behalf, from carrying or doing anything in this land that shall or may be prejudicial to or against the king, his crown, land, or any man of his land, under the peril that appertains; and that you do not henceforth receive or use any order that shall or may come to you that shall or may be prejudicial or contrary to them, as is aforesaid, under the same peril. . . .’<sup>2</sup>

The envoy often ran the risk of actual physical danger. Joneston, it will be remembered, spoke of his duties as being *ardua et periculosa*.<sup>3</sup> Even letters of safe-conduct did not always afford effective protection. When Sir Nicolin de Flisco, a citizen of Genoa in the employ of Edward III, went to the pope to urge the English monarch’s claims to the throne of France, he was abducted by the contrivance of the pope’s own steward. The steward, it is true, afterwards committed suicide, and the pope hastened to punish the accomplices.<sup>4</sup> What might often happen is revealed by a

<sup>1</sup> Ibid. 374, 377–8; 4<sup>e</sup> rédition, 376.

<sup>2</sup> C.C.R. (1323–7), pp. 563–4; Rymer, ii. 628.

<sup>3</sup> *Supra*, p. 27.

<sup>4</sup> *Gesta Edwardi de Carnarvon*, p. 139.



letter from Benedict XII to Sir Robert de Pomayo, castellan of Beaucaire. In it the pope professes to be much disturbed over the fate of Sir Robert Litelburs, an English knight sent on a mission to the papal curia. Litelburs, in company with Robert Swinfen, clerk, and Giles of Brabant, was returning to England with letters from the pope to the king. While passing through the diocese of Valence he was seized and robbed of his horses, his money, and the papal letters, and carried off to the castle of Beaucaire and kept there. The pope ordered the whole company to be freed immediately, lest Robert incur the sentence imposed on those who seized and detained persons travelling to and from the apostolic see.<sup>1</sup> Such instances, of course, were much more frequent after the outbreak of war; during hostilities a person took his life in his own hands if he undertook a mission through the enemy's country. For that reason clerics bulk large in the ranks of envoys; in addition to their administrative experience they were comparatively safe under the protection of the Church.

Four large groups composed the personnel of the medieval English foreign service. The first was made up of the higher nobility and the higher clergy, men who were intimately associated with the domestic affairs of the realm. The second group consisted of those who, while being lesser nobles, commoners, or clerks, nevertheless held responsible administrative positions in the government. The third group was a large and heterogeneous one. Among its members were citizens and merchants of London and the counties, some of whom were members of parliament. Many served as justices or attorneys, while others were minor clerks. A few were foreigners, particularly the merchants of Italian cities. The fourth was a group of specialists and can be left for later consideration. The years 1327-39 provide an excellent period from which to take a cross-section of those groups. They are the years of almost constant effort on the part of the crown in the field of diplomacy,<sup>2</sup> yet they are so typically medieval that any generalizations that can be made about personnel will apply, with few exceptions, to the period as a whole.

<sup>1</sup> *C.Pap.R.* ii. 574.

<sup>2</sup> *Supra*, pp. 15-18.



Among the nobles who served the king was William Montague, later earl of Salisbury. Employed on diplomatic missions almost from the beginning of Edward III's reign, he was foremost among those courtier lords who had worked for the emancipation of the king from the control of the regency. He participated in the arrest of Mortimer in 1330,<sup>1</sup> and afterwards received enormous grants from his enemy's forfeited lands. A close companion of the king, he accompanied him to France on a hurried and secret visit in 1331.<sup>2</sup> The year before Edward began to rule in his own right, Montague received a release from all his debts to the crown.<sup>3</sup> After 1330 he attained considerable influence in the government and was able to place his clerk, Thomas Garton, in the office of controller and later keeper of the king's wardrobe, and to cause the promotion of his brother, Simon, to the bishopric of Worcester.

Hugh Audley, afterwards earl of Gloucester, had been a Lancastrian. A brother-in-law of Hugh Despenser and the husband of Margaret of Clare, countess of Cornwall, he had taken an active part in the quarrel with Mortimer.<sup>4</sup> After 1330 his debt to the crown was cancelled, and pardons were granted for trespasses against the peace, robberies, larcenies, and homicides he had committed. He served as justice of oyer and terminer, and was hereditary sheriff of Rutland.<sup>5</sup>

William, baron Ros of Hamlake, evidently supported the party of Isabella, for he was made keeper of Yorkshire before Edward's accession, and was empowered to take over the castle of Pontefract.<sup>6</sup> The fact that he did not serve as an envoy after 1330 bears out such a surmise. In the first year of the reign he received grants of a yearly ferm from Lincoln and York, and a release from his debts to the crown.<sup>7</sup> Additional grants and licences were later made to him, including two licences for alienation in mortmain to a chantry

<sup>1</sup> Murimuth, p. 62; Avesbury, p. 285.

<sup>2</sup> Murimuth, p. 63; *Chronicon Anglie*, p. 3.

<sup>3</sup> *C.P.R.* (1327-30), p. 373.

<sup>4</sup> *Annales Paulini*, p. 343; *Gesta Edwardi de Carnarvon*, p. 99.

<sup>5</sup> *C.C.R.* (1327-30), pp. 528-9, 592; *ibid.* (1330-3), p. 608; *C.P.R.* (1334-8), pp. 217, 528, 551-2. For further information on these earls see Tout, *Chapters*, iii. 36-9. Montague is in the *D.N.B.*

<sup>6</sup> *C.C.R.* (1327-30), p. 69.

<sup>7</sup> *Ibid.*, p. 64; *C.P.R.* (1327-30), p. 171.

and convent.<sup>1</sup> He served as justice of oyer and terminer, as keeper of Northamptonshire, and as attorney for one William de Barentino. Later he was appointed to inquire into the state of Lincolnshire, to arrest suspected persons in Yorkshire, and in 1337 to lay before the men of Lincoln the decisions of the council at Westminster and the king's intention regarding the safety of the realm.<sup>2</sup>

Of the ecclesiastics, William Airmyn, bishop of Norwich, was a member of the court party. Beginning as an official in chancery, he became keeper of its rolls, treasurer of the exchequer, keeper of the great seal, and keeper of the privy seal. Most of his career as a soldier and civil servant was served under Edward II, but he vigorously supported the young king and was given temporary charge of the great seal on 30 November 1326, before the contest for the throne had been decided.

The most colourful figure of this group and the man who stood nearest Edward in personal affection and favour was Richard Bury, bishop of Durham. He was leader of the group that liberated the young king from the control of Mortimer and Isabella. Perhaps the most famous bibliophile of his age, he was able, through his numerous offices, to collect a famous library of rare manuscripts. During his missions abroad he met and became a friend of Petrarch. A member of the household of Edward II and tutor to the young Prince Edward, he held at one time or another the posts of constable of Bordeaux, receiver of the chamber, keeper of the privy seal, cofferer and keeper of the wardrobe, treasurer, and finally chancellor.

John Thoresby, who was to become a great administrative figure after 1339, was bishop of St. David's, then of Worcester, and finally archbishop of York. He was the notarial expert who drafted many of the treaties negotiated in the Low Countries on the eve of the Hundred Years War. Beginning as the king's notary and clerk of the chancery, he was keeper of the rolls of chancery, deputy keeper and keeper of the privy seal, keeper of the great seal, and finally chancellor.<sup>3</sup>

<sup>1</sup> *C.P.R.* (1330-4), pp. 150, 177, 275; *ibid.* (1334-8), pp. 122, 467.

<sup>2</sup> *Ibid.* (1330-4), pp. 60, 295, 454; *ibid.* (1334-8), pp. 208, 367, 503.

<sup>3</sup> Sketches of these bishops may be found in the *D.N.B.* See also Tout, *op. cit.*

Bartholomew Lord Burghersh belongs in the second bracket. He was the brother of the famous Henry, bishop of Lincoln, and a staunch supporter of the court party, and had taken an active part in the intrigue against Edward II.<sup>1</sup> He inherited his father's offices of constable of Dover Castle and warden of the Cinque Ports and, with but slight intermission, held both positions until his death in 1355. That Burghersh filled those posts almost continuously is evidence of the confidence the king had in his ability, for they were offices that involved the command of the chief channel of commerce between England and the Continent during a time when relations with France were especially hostile. He also served as admiral of the fleet from the mouth of the Thames westward, as warden of the Tower, and as chamberlain. A brave soldier, an invaluable diplomatic agent, an able administrator, he was finally appointed one of the guardians of the realm, but died before he could serve in this office.

Sir Reginald Cobham was also an active member of the court party, and became a confidant of the king during the years 1337-40.<sup>2</sup> Jean le Bel described him as a person 'held in high esteem and reputed for his valour'.<sup>3</sup> He was one of the bannerets who held no administrative position, but as an influential personal favourite of the king gained extensive royal grants.<sup>4</sup>

Sir William Herle and Sir Oliver Ingham were justices. Herle was chief justice of Common Pleas and held this position almost continuously until 1337.<sup>5</sup> Most of his career was spent as a sergeant-at-law during the reign of Edward II, although he was a member of Edward III's council until his death in 1347. Ingham, justice of Chester, was a partisan of Mortimer.<sup>6</sup> He served as justice in a session at the Guildhall in which London protagonists of

iii: for Airmyn, pp. 43-4; for Bury, pp. 25-8, 36; for Thoresby, pp. 43, 85-6, 158-9, 206-7; and Mr. Denholm-Young's excellent paper, 'Richard de Bury (1287-1345)', *Transactions of the Royal Historical Society*, Fourth Series, vol. xx (1937), pp. 135-68.

<sup>1</sup> See *D.N.B.* and Tout, op. cit. iii. 23 and iv. 115, 126-8.

<sup>2</sup> *Ibid.* iii. 89-90, 120.

<sup>3</sup> Jean le Bel, i. 2-3.

<sup>4</sup> *C.P.R.* (1334-8), pp. 117, 346, 401.

<sup>5</sup> See *D.N.B.* and Tout, op. cit. iii. 9.

<sup>6</sup> *Ibid.*, especially iii. 13, 34 n. 1, 37.

Thomas of Lancaster were tried, but was himself arrested in 1330.<sup>1</sup> Later, however, he was restored to favour and as seneschal of Gascony often undertook diplomatic missions.<sup>2</sup>

The position of the merchant-banker in governmental affairs is admirably illustrated by the activities of William de la Pole, of Kingston-on-Hull.<sup>3</sup> A merchant-prince comparable to the famous Frenchman, Jacques Cœur, de la Pole was one of Edward's most extensive creditors, holding the financial posts of mayor of the Antwerp staple and secondary baron of the exchequer. Edward's acute appreciation of certain aspects of diplomatic affairs is apparent from his choice of this commoner<sup>4</sup> and merchant for missions to Bruges, Ghent, Ypres, and Flanders, the foreign territories where de la Pole's influence would count most effectively.

Sir Geoffrey Scrope was another of the judges to be selected for service abroad.<sup>5</sup> He was, in fact, so attracted to diplomatic affairs on the Continent that he resigned his position as chief justice *coram rege* to become an envoy. He was one of the leading members of the court party and a bitter enemy of the Stratfords.

The third group was by far the largest, and was composed of people about whom biographical material is very scanty. The range of their activities was extensive. John Causton was a sheriff of London, king's ulnager, and collector of customs.<sup>6</sup> Robert Keleseye was a citizen of London and a chancery clerk. He also served as justice of oyer and terminer and held several benefices.<sup>7</sup> Thomas Brayton, parson of Campsall church, was queen's attorney and king's clerk.<sup>8</sup> Laurence Fastolf, canon of Lincoln and London, raised

<sup>1</sup> *Annales Londonienses*, p. 243; Burton, ii. 360.

<sup>2</sup> Rymer, ii. 893.

<sup>3</sup> See *D.N.B.* and Tout, op. cit. iii. 91 and n. 5, 99, 103-5; iv. 85-90.

<sup>4</sup> *Return of the Members of Parliament*, i. 80, 97, 105, 108, 112, 120, 125.

<sup>5</sup> See *D.N.B.* and Tout, op. cit. iii. 9, 88, 115, 123, 276.

<sup>6</sup> *Annales Londonienses*, pp. 248, 250; *C.C.R.* (1327-30), pp. 70, 85-6, and *ibid.* (1330-3), pp. 94, 382-3; *C.P.R.* (1327-30), p. 20; *Return of the Members of Parliament*, i. 90, 96, 99, 102, 112, App. i. x.

<sup>7</sup> Tout, op. cit. ii. 280 n. 3; *Annales Londonienses*, pp. 248, 250; *C.C.R.* (1327-30), pp. 167-8, and *ibid.* (1330-3), pp. 290, 313, 420; *C.P.R.* (1327-30), p. 133, and *ibid.* (1330-4), pp. 58, 87, 372, 510.

<sup>8</sup> Tout, op. cit. iii. 153 and vi. 13-15; *C.P.R.* (1334-8), pp. 40, 186, 217, 223, 546.

loans for the king.<sup>1</sup> Edmund Grymesby was parson of the church of Preston Bisset, king's clerk, custodian of the rolls for the chancery of Ireland, and purchasing agent for the king.<sup>2</sup> Antonio di Passano, of Genoa, and Andrea de' Portinari, of Florence, were two of the foreigners who occasionally served as envoys.<sup>3</sup>

These persons represent only a selection from a much longer list, yet this small group is indicative of the general nature of the whole. From 1327 to 1339 there were some 125 envoys sent abroad, and this rough estimate does not take into account the vast number of clerks and other persons who made up the retinues of the larger embassies.

As might be expected from a study of other branches of administration, the first outstanding fact about the foreign service is the continuity of its personnel. The great political changes of 1326-7 and 1330 had very few repercussions in the diplomatic sphere. The adherents of Lancaster and of Mortimer, the members of the court party, all were mingled indiscriminately with those who had served under Edward II; administrator accompanied politician. Nor was continuity limited to the whole. As chancery clerk under Edward II, a person might serve in a minor capacity on a large embassy; as chancellor under Edward III, the same clerk might head an embassy. Classes and groups of envoys were inextricably mixed and, using the normal advancement that took place in the great departments of state, the monarch had a foreign service with a definite scheme of promotion. The wisdom of such a practice is obvious. It provided a personnel that was at once well trained in the mechanics of diplomacy, conversant with its etiquette, and cognizant of the *affaires du moment* in both the foreign and domestic situation.

The mixture of noble and cleric, too, was not without a purpose. The very fact that some prominent earl was employed on a mission could make the embassy an impressive one, one to be heard with respect by foreign courts. It was

<sup>1</sup> Tout, *op. cit.* iv. 88 n. 6; *C.P.R.* (1334-8), p. 260.

<sup>2</sup> *C.C.R.* (1327-30), p. 168, and *ibid.* (1330-3), pp. 416, 600, 605; *C.P.R.* (1330-4), pp. 413, 470, and *ibid.* (1334-8), pp. 7, 39, 128, 313.

<sup>3</sup> Tout, *op. cit.* ii. 315; iv. 393 n. 1; v. 7 n. 2, 258 n. 6; *C.P.R.* (1330-4), p. 330.



not necessary that he be skilled in the technical side of diplomacy: the administrative cleric, with his staff of efficient clerks, could attend to such matters. The former represented the theatrical, the latter the practical side of diplomacy; both were essential. The very flexibility of the system had much to commend it. Burghersh, as admiral of the fleet, was an ideal choice for embassies dealing with maritime problems, while such a financial and wool specialist as de la Pole was indispensable for matters concerning commerce. Likewise, Italian merchants, whose business took them through all the countries with which England had relations, could conveniently attend to the smaller and less important questions. They may be compared with that section of the modern consular service composed of nationals of one country employed by the government of another to act as its resident commercial and legal agents. The combination, then, of skill and showmanship, of plan and convenience, contrived an admirable instrument for diplomatic representation, and one that was quite satisfactory until changing international conditions produced new needs.

Those changing international conditions are connected with the transition of leading European states from a condition of political decentralization to one of comparative unity. At their heads were rulers anxious to consolidate their lands and to gain personal prestige by territorial aggrandizement. The resultant increase in international rivalries laid upon governments the necessity of acquiring more extensive and precise information about the actions and intentions of other governments. From the middle of the fifteenth century, therefore, envoys sent out *ad hoc* began to be superseded by resident ambassadors. It is generally accepted that such a practice originated in the Italian states in their relations with each other, and was eventually adopted by other European countries. It must not be assumed, however, that the English resident ambassador, at least, suddenly sprang full-grown from the brain of necessity in the fifteenth century: the roots of the office are much deeper. Although their names are often unknown, there were semi-permanent English representatives at the courts both of France and of Rome from a very early period. The presence



of those in France probably dates from the beginning of the litigation following the treaty of Paris of 1259, of those in Rome from a time when royal requests for papal privileges and concessions came to be more than occasional demands.

The technical nature of the business to be transacted at the two courts made the presence of such representatives essential. To become embroiled in a suit before the Parlement de Paris was to become lost in a labyrinth of legal technicalities. The plaintiff had first to propose, then to adduce—‘ad fundendum intencionem suam’—conventions by letters sealed at the Châtelet. To these the defendant opposed replies ‘ad finem quod suum factum [the fact alleged by the plaintiff], tanquam nullum et invalidum, recipi non deberet’. Then began the litigation—‘lite, super predictis, coram dicto ballivo, inter dictas partes, legitime contestata’—accompanied by an oath—‘jurato hinc inde de veritate dicenda’. Each party produced his witnesses—‘testibus hinc inde productis, examinatis, et eciam publicatis’—and put his conclusions—‘concluso in dicta causa’. The judge then notified the litigants of the date set for the hearing of the case—‘et certa die dictis partibus assignata ad audendum jus’—and at the appointed time delivered his verdict—‘per suum iudicium pronunciavit quod defensor sufficienter probaverat intencionem suam, et adjudicavit eidem suam predictam intencionem’. Appeal from the verdict was to the Parlement. This, of course, represents only the skeleton of procedure. Before the litigation began, the defendant might propose either dilatory exceptions to retard the full debate, or peremptory exceptions to dispense with argument by rendering the plaintiff’s case rejectable from the beginning. Countless other rules and customs had to be known and followed to the letter in order to forestall a premature or an adverse decision.<sup>1</sup>

A similar situation existed at the papal curia. The papal bull, or analogous document, was the means by which a petitioner’s demands were either given the consent of the pope or committed to trial. The *narratio* of the bull, the part setting forth the facts of the case, was based on the *supplicatio*, a formal document in which the petitioner made his

<sup>1</sup> Aubert, op. cit. ii, *passim*.

requests. The execution of the latter, therefore, had to be done in an elaborate phraseology in order to prevent accidental or deliberate misinterpretation. Nor was the process by which the bull was drawn up, sealed, and enrolled a simple one. Its every step through the papal chancery and apostolic chamber had to be carefully watched: officials had to be solicited, bullied, paid the correct fees; the plans of interested and opposing parties had to be discovered and, if necessary, frustrated.<sup>1</sup> To perform these functions a person needed an intimate knowledge of the machinery of the Parlement and of the curia. No uninstructed foreigner, no casual envoy, could possibly hope to cope with such problems.

The men to whom such tasks fell came from the fourth group in the personnel of the English foreign service. They were highly trained specialists like Martel, Joneston, and Staunford. John Bakewell, Richard Braughton, Henry of Canterbury, Thomas Cobham, John Piers, Richard Plumstock, Roger Sheffeld, Simon Stanes, and Andrew Ufford were all probably members of the group, and the list could undoubtedly be enlarged.<sup>2</sup> Almost all of them were trained in some branch of law, and the majority must have been acquainted with Roman law,<sup>3</sup> for knowledge of this subject was certainly prerequisite to any dealings with the Parlement de Paris. Bakewell had served as justice for common pleas in Cambridge as early as 1298.<sup>4</sup> Cobham was a doctor of civil law and a professor of sacred theology, and represented

<sup>1</sup> Behrens, 'Origins of the Office of English Resident Ambassador in Rome', *E.H.R.*, vol. xlix (1934), p. 642.

<sup>2</sup> These persons should not be confused with regular advocates of the Parlement de Paris like du Breuil, de Sens, Jourdain, and de Casis, who were often retained by English kings to plead their cases (see Aubert, *op. cit.* i, ch. vii). Those advocates were either Frenchmen or Gascons and were paid regular fees for their services (e.g. *infra*, p. 121). That such a practice had its disadvantages is evident from a petition of Elias Joneston: 'In primis, commissarii, aduocati, et procuratores anglici petuntur assignari per dominum nostrum regem pro eo quod gallici et vascones propter mortis et exheredacionis timorem ac propter alia pericula et dampna procedere non audent . . .' (D.D.C. 28/3,41; *supra*, p. 45).

<sup>3</sup> This seems to be implied in such writs as that addressed to Cobham in 1311, ordering him 'and others skilled in law' to examine certain articles advanced by subjects of the king of France in Aquitaine, touching the state of the king in the duchy. *C.P.R.* (1307-13), p. 338.

<sup>4</sup> *C.C.R.* (1296-1302), p. 291; cf. *supra*, p. 51 n. 5.

the king before the Parlement in 1312.<sup>1</sup> He had also served in the papal curia under Edward I.<sup>2</sup> Both Piers and Plumstock were professors of civil law; both had served as proctors in France, the former in 1333, the latter in 1314.<sup>3</sup> That the others were equally skilled can be inferred from their close relations with the *custos processuum*.<sup>4</sup>

From such a group came the king's proctor at Rome, whose business it was to bring the royal wishes before the pope and to take the proper steps to ensure their fulfilment. The proctors in Paris performed a similar service in regard to cases before the Parlement. In the course of time both came to discharge functions other than those that originally explained their presence in the two courts. To the apostolic see came representatives of every state in Christendom, and enterprising agents often found opportunities to meet and talk with statesmen of all countries. The papal curia was the medieval League of Nations—and equally ineffective. Yet it is not difficult to imagine that much of the groundwork of diplomacy was done at Rome or in the palace at Avignon. Being on the scene, these proctors were potential instruments for discharging diplomatic business not important enough to require the dispatch of a special embassy. Likewise, they were able to instruct the envoy in intricate procedure, and to furnish political information. In the end, they became the first permanent diplomatic representatives.

## (ii) THE COUNCIL AND PARLIAMENT

The precise scope of the council's powers and activities in foreign affairs has already been suggested by the relations of the *custos* with this body.<sup>5</sup> It was inevitable that the subject of foreign relations should be one with which the council was constantly preoccupied. In addition to its importance, the subject was of such a nature that it could hardly be treated in a routine manner. Formulation of the broad lines of foreign policy rested with the monarch, and in this the council acted in an advisory capacity. The administrative details connected with the execution of policy,

<sup>1</sup> C.C.R. (1307-13), p. 488.

<sup>2</sup> E.A. 309/12.

<sup>3</sup> C.P.R. (1330-4), p. 466; *ibid.* (1313-17), p. 203; cf. *supra*, p. 85 n. 4.

<sup>4</sup> *Supra*, ch. ii.

<sup>5</sup> *Supra*, pp. 41 ff.

on the other hand, were relegated almost entirely to that permanent section of it composed of ministerial officers from the chancery, the exchequer, and the wardrobe.

The medieval council, however, attended to a vast amount of business that to-day is distributed among the several departments of state, and such matters formed only one item among many. Accordingly, the creation of the office of *custos processuum*, viewed from another angle, represents one solution of the ever-increasing problem of dealing with a great deal of business quickly and effectively. To the *custos* the council delegated the thankless job of diplomatic hack. He studied the documents and drew up suggested lines of action and instructions for envoys. The infrequency with which foreign affairs are mentioned in the surviving proceedings of the council would suggest that the majority of such questions were settled merely by giving oral approval or disapproval to what the *custos* had to say.<sup>1</sup> Indeed, some of Joneston's petitions seem to indicate that the council was not exercising enough initiative in these matters. Such a systematization of diplomacy, however, could not obviate the necessity of its dealing directly with some of the more important problems. During the reign of Edward I Scottish affairs might often fall into that category;<sup>2</sup> in the following reign, such knotty negotiations as those between England and France with regard to Béarn.<sup>3</sup> Under Edward III the question of the form, citation, and adjournment of the king's homage to the French throne was the peg on which a whole series of negotiations was hung.<sup>4</sup> Larger *tractatus* or *colloquia* were called by the king from time to time to consider foreign problems. Writs summoned the more important magnates

<sup>1</sup> For instance, machinery could be set in motion by such a note as the following, which was obviously not dependent upon written details: 'Item, de littera domini regis mittenda domino regi Francie, de negociis burgensium Sancti Audomari ad respondendum pro domino Edwardo de nouo auxilio' (Parl. & Coun. Proc. Chan. 66/6). Or again, a letter under the *targe* (privy seal) to be sent to the constable of Bordeaux about French affairs (ibid. 6/24). In matters of foreign affairs, as well as in others, the council could issue warrants for the great seal on its own authority (Maxwell-Lyte, *The Great Seal*, p. 181).

<sup>2</sup> D.D.C. 30/4, 15, negotiations at Montreuil concerning Scotland.

<sup>3</sup> Ibid. 29/9, 11.

<sup>4</sup> Ibid. 28/2, 30. This and the two preceding references are transcripts of documents on these subjects.

and prelates to deliberate on affairs relating to Gascony and Aquitaine or to advise *super negociis nostris transmarinis*.<sup>1</sup> Yet those instances are exceptional: ordinarily the *custos* provided the facts, the council the final decisions.

Mercantile and Gascon affairs, two subjects closely related to diplomacy, were always included among the agenda of the council. The former usually concerned inquiries made regarding depredations committed by French ships on English merchants, but sometimes consisted of advice, given at the king's request, on the advisability of shipping wool to Flanders for settlement of financial obligations growing out of alliances.<sup>2</sup> The series of documents relating to the latter is a long one. There are several memoranda and one report of a committee of the council outlining measures to be taken in regard to Gascon problems.<sup>3</sup> In addition to these, the council often had to consider articles sent from the corresponding body in Gascony. The custom was to record the observations of the council between the paragraphs of such documents. Settlement of some questions would be referred to the seneschal of Gascony, who was to act with the advice of the king's council in the province. Others might be dealt with immediately, and these were marked *placet regi*, while more difficult points would be tagged *informetur rex*, to be referred to the king.<sup>4</sup>

The control of foreign affairs, then, ultimately rested with the council, or with the king and council. The question must now be asked: To what extent was that control shared by parliament, whether it be an 'afforced' council or a more representative assembly? It is hardly the purpose of this study to indulge in the subtleties employed to distinguish between parliament and parley, but some light can be thrown on the range of questions considered by those bodies that were somewhat broader in composition than the administrative council usually concerned with diplomacy. There were six parliaments before 1339 in which foreign affairs received

<sup>1</sup> Instances of such meetings occur in 1295, 1296, 1299, 1311, 1313, 1317, and 1324. Palgrave, *Parliamentary Writs*, i. 30, 47, 78; ii, part 1, 43, 92, 171, 325, 663.

<sup>2</sup> Parl. & Coun. Proc. Chan. 66/13, 18; 7/9, 10.

<sup>3</sup> Ibid. 6/24; Parl. & Coun. Proc. Exch. 2/5, 10, 12.

<sup>4</sup> Baldwin, *The King's Council*, pp. 377-8.



some attention—those of 1279, 1305, 1316, 1325, 1331, and 1332.

The Easter parliament of 1279, to which no commons were summoned, can be dismissed with little discussion. Its records merely mention that truces have already been concluded between the king and the count of Holland, and an order is sent out instructing merchants who have lost goods to present their claims in parliament.<sup>1</sup>

The records of the Lenten parliament of 1305 contain the following note: 'Memorandum quod pro negociis pro quibus Dominus de Cuk venit ad Regem de partibus transmarinis assignantur Episcopus Dunelmensis, Episcopus Cestrensis, Comes Lincolnie, Adomarus de Valencia, Johannes de Drokenesford & Johannes de Bensted &c.'<sup>2</sup> That, as Maitland has fully explained, represents the appointment of a committee of the council to deal with the final settlement of financial claims growing out of the alliances Edward I had made after 1294.<sup>3</sup> Two members of the committee, Droxford and Benstead, as keeper and controller of the wardrobe,<sup>4</sup> would also be members of the administrative council, and it is likely that '&c.' refers to similar persons.

Among the memoranda of the Hilary parliament of 1316 is the record of a series of negotiations held with envoys of Robert, count of Flanders. The matters under discussion were dissensions between English and Flemish merchants, and 'Robertus Comes Flandrie Nuncios suos subscriptos in Angliam misit super hiis tractaturos; Qui una cum Consilio Domini Regis in Parlamento suo anno regni sui quinti apud Westmonasterium summonito . . .'<sup>5</sup> There follows a complete account of the form the conference took at Westminster and in the continuation of the meetings held at York.<sup>6</sup> The final conference and the treaty resulting from it are given in detail: 'Inter quos quidem Nuncios & Consilium Domini Regis in Parlamento suo apud Westmonasterium, anno &c. octavo, Tractatum fuit in forma subscripta . . .'<sup>7</sup>

The Midsummer parliament that met at Westminster in

<sup>1</sup> *Rot. parl. ined.*, p. 5.

<sup>3</sup> *Memoranda de parlamento*, pp. 339-42.

<sup>5</sup> *Rot. parl.* i. 356.

<sup>2</sup> *Rot. parl.* i. 176.

<sup>4</sup> Tout, *op. cit.* vi. 26, 28.

<sup>6</sup> *Ibid.* 357-8.

<sup>7</sup> *Ibid.* 358-9.



1325 was the first of three specifically called for the consideration of foreign affairs.<sup>1</sup> It was a special session on Gascony to which the commons were not summoned. The records of the proceedings are fragmentary. There is a speech, apparently from the king, asking for advice. It is evident that some authoritative statement, some explanation of the capitulation of La Réole that would exculpate the king's immediate friends who had been blamed for the disaster, was presented and entered on the parliament roll, but this roll has not survived. The other document records the advice given in reply to the king's request. It is not clear who gave the advice, except that they must have been persons concerned with the administration of Gascony and particularly with the defence of La Réole in 1324.

The king summoned the Michaelmas parliament of 1331, as the bishop of Winchester put in in his opening speech, 'pur les busoignes touchantes la Duchee de Guyenne, & les Terres du Roi par dela la mier, sur pees ou autre issue a faire des dissensions eus entre les Rois d'Engleterre & de France, par encheson de mesmes les Terres . . .'.<sup>2</sup> Speaking for the king, the chancellor demanded the counsel and advice of the archbishop of Canterbury and all the other prelates, earls, barons, ' & autres Grantz du Roialme'. The question was whether the difficulties with France should be solved by negotiations for a treaty and marital alliance or by a declaration of war. The magnates chose the former course and suggested envoys, and both proposals received immediate royal assent.

The last instance is that of the Lenten parliament of 1332. The king of France had decided to go on a crusade in March 1334 and solicited Edward's company, 'entendant par tant a faire meiloure exploite sur les enemis Dieu'. He had sent letters and messengers to England for that purpose, ' & ce feust l'encheson pur qoi le Parlement feust somons . . .'.<sup>3</sup> The king asked the advice of the prelates, earls, barons, ' & de touz les autres Grantz en pleyne Parlement'. The opinion was that the date set by the king of France was too early, and that of 2 February 1335 was proposed in its place. The date was not to be binding, however: 'si est acorde & assentu

<sup>1</sup> *Rot. parl. ined.*, pp. 94-8.

<sup>2</sup> *Rot. parl.* ii. 60.

<sup>3</sup> *Ibid.* 64.

par touz en pleyn Parlement, qe si avis soit a nostre Seigrur le Roi par son bon Conseil, & qil soit purveu d'y aler & en stat, et q'il le pust bonement faire & par Trete od le Roi de France, homme puisse esloigner ou encourter le temps qome le preigne.'<sup>1</sup> That advice, it should be noted, was tendered not only by the magnates, but also by 'touz les autres somons a mesme le Parlement', a phrase that would include the commons.

In two instances, then, in 1305 and 1316, parliament was clearly not concerned with the foreign affairs that were being considered; a committee of the council or the council itself was conducting the negotiations. In 1316 the discussions were continued after the close of parliament and into the sessions of the following one. The logical assumption is that in those two instances the only reason for the mention of such business at all in the parliamentary records is the fact that the council was present in parliament. Envoys coming to England would have in any circumstances to treat with the council or with a section of it. As the council was in parliament at those particular times, it was merely a matter of convenience to carry on negotiations there. The special session of 1325 was unusual. Since further records are lacking, it can only be hazarded that those who gave advice in answer to the royal request were probably members of the English council who were acquainted with the situation, or members of the Gascon council.

The parliaments of 1331 and 1332 were definitely concerned with diplomacy. In the first instance, apparently only the prelates and magnates acted as advisers; in the second, it is clear that the commons also participated. In 1332, however, the real decision was left to the discretion of the council, even if it should choose to nullify the advice given by parliament. The space such matters occupy in the records would suggest that, even though they constituted the primary reason for summoning parliament, they were settled in very little time and that they represented a very small proportion of the amount of business done. On the other hand, the assumption is not altogether a safe one: questions causing the stormiest debates may be recorded only in the

<sup>1</sup> *Rot. parl.* ii. 65.

form of the final decision that was made on them. That such was perhaps the case is illustrated by another group of documents. Elias Joneston made a series of deliveries, in 1312, 1314, 1333, 1335, to enable certain persons to draw up reports for subsequent parliaments.<sup>1</sup> Similarly, in 1337-8 a request was made to the treasurer and chamberlains of the exchequer to hand over certain documents or transcripts relating to the processes in France to John Piers and Andrew Ufford for examination in time for the next parliament.<sup>2</sup> Yet if those reports were ever made, they were not recorded on the rolls of proceedings. The same is true of the Easter parliament that met at York in 1319. The writs of summons expressly state that its members were 'to treat and advise on certain arduous affairs and particularly on those concerning the duchy of Aquitaine', but no mention is made in the records of such discussions.<sup>3</sup>

All these instances, however, must be placed against the whole of parliamentary history during this period. Interpreted even in the most favourable fashion, they pale into insignificance beside the vast amount of other business transacted. The instances of 1331 and 1332 must be seen merely as indications of a development that was to take place later. It was still a far cry from the time, in 1365, when it could be said that treaties were ratified in parliament.<sup>4</sup> Foreign affairs remained for a long while *negocia regis*, and as such were almost exclusively within the purview of the council.

### (iii) THE CHANCERY

The general trend in the history of the chancery is manifest at an early date in the role this office played in diplomacy. A separation from immediate contact with the king was a condition of its independence: but the first result of this was the rise of the more personal and intimate seals of the king. Gradually the great seal came less and less to express the personal wishes of the monarch, and the importance of chancery diminished in favour of the offices containing those instruments that intervened between it and the crown. In the end, the administrative aspect of chancery became

<sup>1</sup> *Supra*, p. 46.

<sup>2</sup> D.D.C. 28/4/29. The date is approximate.

<sup>3</sup> Paigrave, *op. cit.* ii, part 1, 215.

<sup>4</sup> *Rot. parl. ined.*, p. 276.

virtually non-existent: only the activities of the chancellor as a judicial officer were left to represent it, and these activities were the last evolved and the least dependent on the great seal itself.<sup>1</sup>

Whatever predominance it had enjoyed in foreign affairs, by the end of the thirteenth century the chancery had become little more than a secretariat in these matters. It has been said that in its secretarial capacity it had an absolute control over the composition and preservation of the domestic and foreign state papers.<sup>2</sup> Yet the chancellor, like any other administrative official, was completely subject to royal control, whether exercised directly, in the person of a deputy, in conjunction with the council, or through the intermediary of the personal seals.<sup>3</sup> The only documents relating to foreign affairs under the jurisdiction of chancery were the close, the patent, and the various groups of treaty rolls: the vast series of Diplomatic Documents is a very recent and artificial compilation. Originals, as it has already been pointed out, were kept in the treasury of the exchequer.<sup>4</sup> Furthermore, the great majority of foreign letters emanating from chancery were highly formalized. On receipt of a warrant for issue, the chancery clerk had but to copy from a formula book, inserting the proper names. The department, in short, handled only the most ordinary diplomatic work; its regular business was much too large to allow it to meet the fresh demands occasioned by the increase in foreign relations during this period. The importance of the chancellor in diplomacy was not manifested through the department, of which he was head, but through and by virtue of the council, of which he was a member. Through the members of its staff, however, the chancery did exert an indirect influence in the sphere of foreign relations. In the first place, it still served as a training school for diplomats, offering a group of skilled clerks from which envoys could be selected. In the second place, through the loan of its clerks it gave assistance to the understaffed wardrobe, which had come to be the diplomatic department *par excellence*.

<sup>1</sup> Wilkinson, *The Chancery under Edward III*, pp. 52-3.

<sup>2</sup> Hall, *Studies in English Official Historical Documents*, p. 57.

<sup>3</sup> Wilkinson, *op. cit.*, p. 19.

<sup>4</sup> *Supra*, pp. 20, 21.

Professor Baldwin has pointed out that among the clerks of chancery 'especially were those "more discreet" and "more secret" than the others, who were entrusted with confidential correspondence or were employed as messengers or as proctors or agents in dealing with foreign courts'.<sup>1</sup> Some of these, such as Masters William Weston, John Shordich, John Walewayn, and Andrew Offord, were even retained as members of the king's council. Offord, for example, a brother of John Offord, chancellor and later archbishop of Canterbury, was a doctor of civil law and king's clerk. He had already served on several royal commissions when, in 1346, he was retained as a councillor with wages of 100 marks a year when 'beyond the seas', and 50 marks a year when in England, in addition to the customary allowance of two robes yearly. Immediately he was appointed to treat with Philip of Valois, 'styled king of France'.<sup>2</sup> Occasionally there were persons, like Walter Skirlaw and Richard Ronhale, who took little or no share in the routine work of chancery, but were widely employed in foreign negotiations.<sup>3</sup> Of the greater clerks of the department under Edward III, eleven served in some position on diplomatic missions.<sup>4</sup>

The chancery provided additional assistance to the wardrobe when the staff of the latter was inadequate to take care of its work in times of pressure. That was particularly true during war-time, but even under ordinary circumstances help was necessary when the yearly account had to be compiled or when an extraordinarily large number of privy seal letters or of diplomatic documents had to be drafted or copied. The compilation of Liber A and Liber B, for

<sup>1</sup> Baldwin, *op. cit.*, p. 79.

<sup>2</sup> *Ibid.*, pp. 81-2.

<sup>3</sup> Tout, *op. cit.* iii. 400 and note, 446 and note.

<sup>4</sup> These were Master John Branketre, a notary (*C.P.R.* (1354-8), pp. 168, 183; *ibid.* (1364-7), p. 53; Rymer, iii. 420, 444, 494; *C.Pap.R.* (Petitions), i. 341); Thomas Brayton (Rymer, ii. 872, 875; Mirot and Déprez, *Les ambassades anglaises pendant la guerre de cent ans*, p. 557); Robert Chigwell (*C.C.R.* (1337-9), p. 464); Edmund Grimsby (Mirot and Déprez, *op. cit.*, p. 559); Robert Keleseye (Rymer, ii. 862, 875); John Langetoft (*C.P.R.* (1334-8), p. 564); Simon Multon, D.C.L. (*ibid.* (1370-4), p. 462; Rymer, iii. 1024, 1026); Andrew Offord, D.C.L. (*C.P.R.* (1345-8), pp. 12, 478; *ibid.* (1348-50), p. 24; *C.C.R.* (1343-6), p. 662; *ibid.* (1346-9), pp. 55, 67); John Thoresby (Rymer, ii. 695); Robert Wickford, D.C.L. (Rymer, iii. 853); John Wodehouse (*C.C.R.* (1327-30), p. 504; Rymer, ii. 1039). Cf. Wilkinson, *op. cit.*, pp. 154, 155, 158, 159, 161, 167, 169, 173, 175, 208.



instance, was done with the aid of chancery clerks.<sup>1</sup> In March 1297 Robert Cottingham paid fourteen chancery clerks the sum of 33s. as sixteen days' wages for writing 'quedam breuia secreta et quasdam ordinaciones factas apud Clarendon'.<sup>2</sup> Thirteen more were employed in March 1301 to write letters under the privy seal directed to Robert Burghersh, to the barons of the Cinque Ports, and to the 'custodians of the passage' in all the ports of England.<sup>3</sup> Jacob of Kingston, Hugh of Bradelby, Robert of Wardcope, and Adam Airmyn received 6d. each for similar services in May 1321.<sup>4</sup> Somewhat later twenty-one clerks drew £3. 5s. 6d. for writing more letters.<sup>5</sup>

But the normal function of the chancery was to issue and enrol ordinary diplomatic documents. What they were, the order of their issue, and their diplomatic can best be ascertained through the study of a continuous series of them. The negotiations with France in 1303 and those in 1324-5, which resulted in treaties, together afford an almost complete collection of such documents; any links that are missing can be supplied from similar groups. The examination of the two series will reveal a diplomatic of diplomacy that applies to most of the medieval period.

The first document essential to an envoy about to set out on a foreign mission was that which gave him power to treat. Such a letter was always issued *ad unam causam*; that is, it allowed its holder to negotiate with only one end in view. The representatives who went to France in 1303, for example, went to arrange both a peace and an alliance, and separate letters were required for each purpose. The reason for such a multiplication of credentials was quite practical. The ambassador first produced his weakest procuration, keeping the others in reserve until he had reached a limit in negotiating. By gradually revealing his powers in order of their strength and effect he could often wring concessions

<sup>1</sup> *Supra*, p. 76; cf. Tout, *op. cit.* ii. 70 and note.

<sup>2</sup> MS. Add. 7965, fol. 16d; cf. Chan. Misc. 4/6, fol. 5, where some of the clerks are named: William of Rasen, Ives of Durham, John of Ireland, and John of Derby.

<sup>3</sup> MS. Add. 7966A, fol. 39. The wages were 6s. 6d. <sup>4</sup> MS. Add. 9951, fol. 5d.

<sup>5</sup> MS. Stowe 553, fos. 25, 26d. One of the clerks was John of Killerby. Some of the letters were 'pro cariagio, nauigio, congregacione mercatorum ac pro recentis mittendis per viij dies vicissim in parlamento tento apud Eboracum'.



from the other party with a minimum of commitments on his own part. The document takes the form of letters patent, with the addition of certain significant clauses. The first is the usual clause of address. The second is the clause of constitution: A, B, and C are made, ordained, and constituted the true and legitimate representatives of the king. The third is the clause of limitation, establishing the minimum quorum. If A, B, and C are unable to agree in every phase of the deliberations, A and B, A and C, or B and C can act with binding force. The same clause also states the purpose of the treating and the parties with whom the negotiations are to be pursued. The fourth is the clause of guarantee, in which the king promises for himself and his heirs to recognize and to uphold whatever action may be taken by A, B, and C, or by a quorum of them. The fifth is the usual clause of signification by letters patent. Dating is by place, day, and regnal year. The form and its variants are shown by the following clauses from letters giving power to treat for peace (in the left-hand column),<sup>1</sup> and others giving power to treat for alliance (in the right-hand column):<sup>2</sup>

*Address*

Edwardus, &c., vniversis presentes litteras inspecturis salutem.

Edwardus, &c.

*Constitution*

. . . facimus et constituimus veros et legitimos procuratores et nuncios speciales. . . .

Noverit universitas vestra quod nos, de fidelitate et circumspectione, . . . plenam fiduciam optinentes, ipsos nostros, &c.

*Limitation*

Dantes eisdem et duobus ipsorum, si omnes insimul non concurrant, plenam et liberam potestatem ac speciale mandatum tractandi, nomine nostro et pro nobis et heredibus nostris, cum. . .

Dantes, &c.

*Guarantee*

Promittentes insuper pro nobis et heredibus nostris et ratum et

. . . habituri perpetuo, pro nobis, &c. . . . tres, aut duos ipsorum

<sup>1</sup> D.D.C. 29/5/3/1.

<sup>2</sup> Rymer, i. 950; cf. D.D.C. 29/5/3/2 and Treaty Rolls, 8, m. 175.

firmum habere et habituros quicquid per dictos procuratores et nuncios nostros, tres vel duos ipsorum in forma superius expressa, . . . super quibus approbandis, . . . seruandis, faciendis, et complendis nos et heredes nostros et bona nostra omnia obligamus.

tractatum, initum, firmatum, assecuratum, roboratum, ac factum fuerit in premissis et, ad ea omnia fideliter obseruanda, nos haeredes nostros, & omnia bona nostra specialiter obligamus.

### *Signification*

Et hoc omnibus quorum interest vel interesse potest . . . significamus per has litteras nostras patentes.

In cuius rei, &c.

### *Date*

Datum apud . . . die . . . anno regni. . . .

Datum apud . . . die . . . anno domini . . . regni vero nostri. . . .

Supplementary to the procuration was the letter of credence and, if the former was held, the latter was not always necessary. Letters of credence occur most often in connexion with an embassy whose business required no long series of negotiations. They were particularly used when an envoy had nothing more to do than to deliver an oral or written message. The very nature of such a document demanded that it take the form of letters close. Consequently, the wording varies with the situation, but there are always four clauses. The address is either to one person or to a group of persons. The clause of notification records the fact that such-and-such people have been appointed envoys, and the clause of supplication asks credence for them. Dating is usually only by place and day. Occasionally a message is conveyed in the wording of the second clause. Two credences, of 1304 and 1324,<sup>1</sup> illustrate the customary form and some of the variations in wording:

### *Address*

Magnifico principi, domino & consanguineo suo carissimo, domino Philippo, &c., Edwardus, &c., salutem & prosperos ad vota successus.

. . . salutem, & sinceræ dilectionis affectum.

<sup>1</sup> Rymer, i. 966; ii. 549.

*Notification*

Mittimus ad vestram praesentiam dilectos & fideles nostros . . . nostros nuncios speciales, ad quaedam vobis, nostro nomine, exponenda.

Cum injunxerimus dilectis & fidelibus nostris . . . quaedam negotia, nos specialiter contingentia, vobis ex parte nostra serius exponenda.

*Supplication*

Vestram excellentiam regiam deprecantes, quatinus eisdem nunciis nostris in hiis, quae vobis ex parte nostra expresserint viva voce, velitis fidem credulam adhibere, & nobis inde significare vestrae beneplacita voluntatis.

Vos, affectuosis precibus, requirimus & rogamus, quatenus eisdem . . . & eorum cuilibet, in hiis, quae vobis ex parte nostra exposuerint vel exposuerit viva voce, fidem indubiam praebere velitis.

*Date*

Datum apud . . . die. . . .

Datum, &c.

Having letters of procuration and credence, the envoy next received letters of protection, of attorney, and occasionally of safe-conduct. While many of the first two types were issued on authority of writs or bills of privy seal, the chancery apparently could issue them on its own authority as *brevia de cursu*.<sup>1</sup> In such cases they were granted upon direct application of the envoy, who had only to attach his seal, in order that the resulting letters might be warranted *per testimonium* X. For example, the earl of Richmond, going abroad in 1324, applied directly to the chancery as follows:

'Isti sunt profecturi ad partes transmarinas in comitua comitis Richemundie: Bertrannus de Mountbouch', Ricardus de Pereres, milites; Magister Willielmus Pollard, persona ecclesie de Whassynburgh'.

'Et dictus comes petit quod Gerardus de Cusancia, clericus, et Ricardus de Crek', clericus, possint esse generales attornati sui.'<sup>2</sup>

Letters were issued 'by testimony of the earl'.<sup>3</sup> Letters of protection took a person, his men, lands, and goods into the special protection of the king while he was absent from the

<sup>1</sup> Maxwell-Lyte, *op. cit.*, pp. 85, 210-11. Envoys occasionally received such privileges as respite of homage, of debt, and of knight service (*C.C.R.* (1327-30), pp. 107, 206, 223, 362, 389, 421, 544; *C.P.R.* (1327-30), p. 131).

<sup>2</sup> Chan. War., file 1737/7. There is a hole for filing and a place where the seal was appended.

<sup>3</sup> *C.P.R.* (1324-7), p. 56.

kingdom. Clauses of *volumus* allowed exemption from pleas and complaints except in certain definite classes of suits. Letters of attorney are self-explanatory. Both classes were specifically limited in time, although they could be renewed *in absentia*. In form they are letters patent and, since they were by no means limited to the uses of diplomacy, it is unnecessary to give examples here.<sup>1</sup> Letters of safe-conduct, on the other hand, were used primarily for diplomatic purposes. The majority of them were issued to foreign representatives coming to England, but occasionally also to English diplomats going abroad. Although in form they are letters patent, the clauses are the same as those of letters of credence, except for the insertion of a clause of signification before the date. An example from the year 1302 shows their general nature:<sup>2</sup>

*Address*

Rex omnibus amicis & fidelibus suis ad quos, &c., salutem.

*Notification*

Cum mittamus . . . exhibitorem praesentium, ad partes transmarinas, pro quibusdam negotiis (with certain specified parties) expediendis ibidem.

*Supplication*

Vos amicos rogamus, vobis fidelibus mandantes, quatenus eundem . . . , nostri contemplatione recommendatum habentes, eidem aut familiae suae, in personis, aut rebus eorum, in eundo ad partes praedictas, ibidem morando, & inde redeundo non inferatis, seu quantum in vobis est, inferri permittatis injuriam, molestiam, dampnum, impedimentum aliquod, vel gravamen; set eis potius salvum & securum conductum habere faciatis amore nostri, quotiens ab eodem . . . super hoc, ex parte nostra, fueritis requisiti.

*Signification*

In cuius, &c., usque ad . . . proximo futurum duraturas.

*Date*

Datum apud . . . die. . . .

Armed with these documents, the envoy was ready to proceed abroad. Sometimes passage would be provided for him. In 1303, for example, Robert Burghersh, constable of Dover and warden of the Cinque Ports, had to provide a

<sup>1</sup> For examples see Hall, *A Formula Book of English Official Historical Documents*, part i, 70-1.

<sup>2</sup> Rymer, i. 938.

speedy and safe passage for the king's special envoys to France, 'as the king understands that certain malefactors sailing the sea commit very many evils and damages upon persons passing from side to side'.<sup>1</sup>

Once on the scene, the ambassador kept in touch with the king through the medium of reports.<sup>2</sup> In 1325 the bishop of Winchester made such a report on behalf of himself and his two colleagues, the bishop of Norwich and the earl of Richmond. It provides a remarkable insight into what actually took place during negotiations. The envoys began by proposing an alliance. They objected to the unwarranted *empeschement* by the French on English territory and demanded a restoration of such lands as had been seized. In order favourably to influence the outcome of the treating, excuses were made for the king's consistent failure to perform homage, and redress was promised for grievances arising from the action of English officials without royal command. The French countered with talk of the affair of Saint-Sardos, of broken treaties, of the harbouring of banished persons, and of imprisonment of French messengers. The sparring continued. The English went on to tell how the French king had been confirmed in his action regarding homage by the doctors and the great clerks of the university of Paris. The report concluded with an account of the king of France's proposed invasion of Aquitaine and of the wholesale and willing submission that would result; finally, of what was being said in the French council, and of the prospects for an agreement.<sup>3</sup>

The treaty was the final document with which the envoy was concerned. Unlike the charter, it was the record of a future transaction, in that it anticipated a ratification by the high contracting parties or their representatives. The procedure, then, was essentially modern in character: accredited envoys, after lengthy negotiations, drew up and sealed an agreement that, to be valid, had to be confirmed by the respective parties. There are two forms of the treaty. The

<sup>1</sup> C.C.R. (1302-7), p. 81. Other instances occur in Rymer, ii. 786, 787, 793, 843, 850, 974, 1029, 1045. The courtesy was sometimes extended to diplomats and royal visitors from other countries (ibid. ii. 713, 920, 922, 927, 1033).

<sup>2</sup> These, of course, had nothing to do with chancery, but they are worth mentioning in order to complete the picture.

<sup>3</sup> Dip. Doc. Exch. 1535.

first is Anglo-Saxon in its barbaric splendour, beginning with a pious proem. The date follows, giving day, place, and year of grace. The third clause is one of procuration, reciting the powers of the envoys. The fourth is the clause of narration, which sets forth the terms of the agreement. The final clause is the customary one of signification. That may be called the impersonal or chirographic form, and was done in Latin; it was replaced by a form more suggestive of letters patent, usually written in French. In the latter and more personal form the address is general. The second clause is that of notification, which states that the respective envoys, being fully empowered, have agreed on terms. The clauses of narration, of procuration (with the relevant letters quoted in full), of signification, and of date follow. The two styles may be compared in the following treaties, of 1269<sup>1</sup> and of 1325:<sup>2</sup>

*Proem*

In nomine Sancte et Individue  
Trinitatis, Patris, et Filii, et  
Spiritus Sancti Amen.

*Address*

A touz ceus, &c., saluz.

*Date*

Die . . . apud . . . anno gratie.

*Notification*

Nous . . . messages et procu-  
reurs du roy . . . nostre trescher  
et tres redoute seigneur . . . en  
son non et pour lui auons accorde  
pour bien de paiz . . . aianz plein  
pouvoir a ce des diz roys nos  
seigneurs selon ce quil est contenu  
es lettres ouuertes seelees de leurs  
seaus, desquelles lettres la teneur  
est contenue ci dessouz. . . .

<sup>1</sup> Dip.Doc.Exch. 1272; cf. Misc. Bks. Exch. T.R., vol. 274 (Liber A), fol. 442, and Rymer, i. 480.

<sup>2</sup> Dip.Doc.Exch. 56; cf. Rymer, ii. 602.



*Procuration*

Hec perpetue pacis et finalis concordie fait inita compositio per . . . plenam habentes potestatem tractandi, componendi, et diffiniendi super . . . per litteras ipsius regis . . . patentes, inter ipsos reges, heredes, seu quoscunque successores suos, perenniter obseruanda, nec ulla temporum mutatione dissolvenda; ita, videlicet

*Narration*

(Terms of treaty)

(Terms of treaty)

*Procuration*

(Letters quoted in full)

*Signification*

In cuius rei testimonium factum est hoc scriptum in modo cirographi, cuius una pars, sigillata sigillo predictorum . . . residet penes regem Anglie; et alia pars, sigillata sigillo predicti regis Anglie, residet penes regem . . . supradictum.

En tesmoing desquelles choses nous conseilliers, messages, et procureurs dessusdiz auons mis noz seaus en ces lettres.

*Date*

Donne a . . . iour . . . lan de grace. . .

The forms for ratification and promulgation of treaties were essentially the same, both being letters patent. In addition to the usual clauses of address, signification, and date were clauses of notification, inclusion, and ratification. The form and contents are easily ascertainable from the following specimen:<sup>1</sup>

*Address*

Edward, &c., a touz ceux, &c., saluz.

*Notification*

Sachez qe nous auons veu et regarde les lettres ouertes de noz messages et procureours et des conseillers et procureours du . . . souz escritz en la fourme qe sensuite. . .

<sup>1</sup> Dip.Doc.Exch. 1581.

*Inclusion*

(Full text of treaty document.)

*Ratification*

Nous totes les choses desusesrites et chescune de celes agreoms, ratifioms, et approuons.

*Signification*

En tesmoignance, &c.

*Date*

Done a . . . iour . . . lan de grace . . . et de nostre regne . . .

There was no apparent rule followed in the enrolment of the various types of letters. They are found almost indiscriminately on the close, the patent, and on the treaty rolls, although in practice letters of procuration and treaties were usually entered on the French, Gascon, Scotch, Almain, or on the Roman rolls. Some of the more secret diplomatic correspondence was never enrolled at all in chancery, for some letters went to the wardrobe for enrolment as if they had been issued under the privy seal.<sup>1</sup> So far as it is known, the official who was probably responsible for writing, passing under the great seal, and enrolling diplomatic documents was the prothonotary, but the early history of this officer is by no means clear.<sup>2</sup>

Instruments for foreign consumption were usually written in a different fashion from those to be used in England. In letters patent reference was sometimes made to the great seal in the clause of signification. 'Palace of Westminster' often replaced 'Westminster', and dating was given according to the year of grace as well as the regnal year.<sup>3</sup> The most significant difference, however, was in the use of the cursus. The cursus was a style of writing based on the difference between accent and quantity. It became fixed in the papal chancery after 1118 and, carried by the papal notary, soon spread to other European chanceries. Besides discouraging falsification of documents, it gave a tone of magnificence. As diplomatic instruments were probably read aloud, such a method of expressing the ordinary in an extraordinary fashion

<sup>1</sup> Maxwell-Lyte, *op. cit.*, pp. 364-5.

<sup>2</sup> *Ibid.*, pp. 274-5, 380; Denholm-Young, 'The Cursus in England', *Oxford Essays presented to H. E. Salter*, pp. 86-7.

<sup>3</sup> Maxwell-Lyte, *op. cit.*, p. 237.

made for a grandiloquent and flattering oration. It was the medieval etiquette of diplomacy. Its use in the English chancery was partly due to the influence of foreign notaries.<sup>1</sup> It is probable that the six *prensterii* of the late thirteenth century were acquainted with the art of dictamen, and that some of these are to be identified with those chancery clerks who were always notaries. At any rate, the English chancery used the *cursus* from about 1250 to 1450: the Roman rolls show constant employment of rhythm, as do even the royal letters of Henry III.<sup>2</sup>

#### (iv) THE EXCHEQUER

The traditional view of the exchequer did not ascribe to it any diplomatic functions other than those of a fiscal nature or those that casually grew out of the clerical assistance it sometimes furnished to other departments. Professor Baldwin, however, argued that the exchequer shared with the council the direction of foreign affairs. His conclusion was based mainly on the fact that 'among the numerous archives [of diplomatic documents] . . . there are a great many passages which describe the action of the king's council in association with the barons of the exchequer . . .', supported by the knowledge that the exchequer was the principal custodian of treaties and other diplomatic documents which were deposited in the treasury.<sup>3</sup> Tout very rightly criticized such a conclusion as a misinterpretation of evidence. His remarks so adequately sum up the exchequer's role in diplomacy that they are worth repeating:

'It was, however, primarily and essentially a "segregated" revenue department, and its "secretarial", nay, even its judicial aspects, were quite subordinate to its prime function. . . . Though the exchequer was strengthened by certain councillors on particular occasions, and the council held its meetings on exchequer premises (just as at a later time it transacted a great deal of diplomatic business in the Star Chamber), there was in the reign of Edward I clear differentiation between the council and the exchequer. The fact that a great variety of documents, including some "diplomatic documents", was stored in the exchequer for safe-custody and reference does not show that the

<sup>1</sup> For a discussion of notaries, see *infra*, pp. 135-6.

<sup>2</sup> Denholm-Young, *op. cit.*, pp. 86-90.

<sup>3</sup> Baldwin, *op. cit.*, pp. 215-16.

exchequer had control over foreign relations. A mandate to the exchequer to consider the relations of English and Flemish merchants suggests simply that it was a matter not of diplomacy, but of finance.<sup>1</sup>

Indeed, it is probable that the exchequer did not even deal with diplomatic accounts until the reforming ordinances of the reign of Edward II. The series of Exchequer Accounts begins with 36 Henry III, yet the accounts of *nuncii*, save for two exceptions in 22-3 Edward I and 13 Edward II, do not begin to appear regularly on the Pipe Rolls until 16 Edward II. In many cases it is certain and in a majority of the remaining instances it is more than probable that until about 1322 most of the accounts were household accounts. That does not mean, of course, that the exchequer made no payments to envoys before that time, but it does suggest strongly that most of the accounting was done through the wardrobe. The Westminster Ordinance of 1324 attempted to correct the practice by ordering all envoys of high rank and other persons sent on important diplomatic missions to account directly to the exchequer. They were to receive a lump sum, or a sum based on some estimate of their daily expenses, for which they were personally accountable to the exchequer within three months of their return.<sup>2</sup> The former issuing of wardrobe prests to such persons had caused inordinate delay in the settlement of accounts, since they could not be compelled to account with the wardrobe.

The extent to which the ordinance was executed was not considerable. Part payments before the beginning of an embassy were not always made, and some payments were not necessarily made through the exchequer at all. Instances can be found of money being supplied out of the temporalities of vacant sees, out of debts to the king, and most often out of the pockets of Italian merchants.<sup>3</sup> Summaries of the Pipe Roll accounts of envoys reveal the same thing, as is shown in the tables printed in the Appendix.<sup>4</sup> Furthermore, the Westminster Ordinance was suitable only for

<sup>1</sup> *Collected Papers*, i. 193.

<sup>2</sup> Tout, *Place of Edward II*, p. 179; *Chapters*, ii. 265.

<sup>3</sup> *C.C.R.* (1337-9), p. 307; *ibid.* (1327-30), pp. 230, 434; Rymer, ii. 764, 792, 915; *C.P.R.* (1327-30), pp. 140, 450, 513, 523.

<sup>4</sup> These figures (Appendix IV, Tables 2-4) should be compared with those given below in connexion with the wardrobe (Table 5).

times of peace. The years immediately preceding the Hundred Years War saw a recrudescence of the diplomatic and military wardrobe, in the use of which Edward III was reverting to the wardrobe traditions of his grandfather. At the same time the privy seal was beginning to impinge on the fiscal activities of both departments. The Walton Ordinances of 1338 provided that no chancery writ ordering payment from the exchequer was to be valid unless warranted by the privy seal. Payments were also to be made on the direct authority of the privy seal to the exchequer. These stipulations included persons engaged on 'solemn' diplomatic deputations, with the requirement that they should receive no wages or allowances for expenses incurred without such a written and certified warranty.<sup>1</sup>

In the end, the activity of the wardrobe in such spheres, as Tout has so well expressed it, 'dried up before the hostility of parliaments, the stubborn prejudices of the exchequer, the growing complexity of the machine of state, and the increasing tendency to distinguish between the king's private and public capacities'.<sup>2</sup> When that took place, the system of accounting with envoys became a more or less stabilized procedure administered by the exchequer.

The king or the king's council, when the former was absent and, as the medieval phrase put it, *ad partes transmarinas*, in charging an ambassador with a diplomatic mission, sent to the treasurer and barons of the exchequer a letter of privy seal. These officials made a first payment for expenses, costs of the journey, and other items. The remaining payments were spaced over a period of time, even often paid to the envoy through the medium of bankers whose societies had already become acquainted with bills of exchange.

On his return the envoy remitted to the exchequer of account an exact bill for his expenditures: *particula* or *particule compoti*.<sup>3</sup> He mentioned very exactly the money he had received from the exchequer and from other sources, indicating the term of payment, the day, and the sum,

<sup>1</sup> Tout, *Chapters*, iii. 70-3, 149.

<sup>2</sup> *Place of Edward II*, p. 161.

<sup>3</sup> These were enrolled in an abbreviated form on the Pipe Rolls: cf. E.A. 309/28 and Pipe 4 Edw. III, m. 46; E.A. 309/30 and Pipe 8 Edw. III, m. 41; E.A. 309/31 and Pipe 17 Edw. II, m. 28, for examples.

which was checked against the sums inscribed on the Issue Rolls. In a like manner he indicated his wages, the days of his departure and return, never omitting to mention whether the first and last days were taken into account. Besides his wages, he noted the expenses of the journey, going and returning, for himself, his servants, horses, men-at-arms, and others, the cost of duties or market tolls, customs of ports, equipment of ships, pontage, and pilotage. When the journey on the Continent was a long one, the ambassador recorded exactly the days and places of sojourn. He also mentioned whether he reported on his return to the king or to the king's council, and where the meeting took place.

By comparing the amounts of the sums expended it could be estimated whether the ambassador, having rendered his account, received more than the necessary amount or, on the other hand, whether the treasurer was indebted to him *in supplementum*.<sup>1</sup> To each account of an envoy was attached a schedule on parchment, called *memorandum* in the parlance of the exchequer, on which was indicated the current term (i.e. Michaelmas or Easter), the regnal year, the amount paid out, the day and even the object of the embassy.

The clerk of the exchequer then added at the bottom of the document the notation *unde respondebitur* to show that the ambassador was held for the presentation of an exact account. On the return of the envoy, the schedule was re-examined and compared with the account rendered. The duration of the embassy was then entered on the memorandum. The account of the ambassador was forthwith revised, and two auditors, one from the barons and the other from the clerks, heard it at the exchequer of account. The chamberlains at the exchequer of receipt were then instructed to pay what was owed. They filed the mandate, and consequent payments and assignments were noted on it. After the enrolment was made, the account and the memorandum, sometimes even the letters of the king ordering payment, were placed in a sack or pouch of soft skin for preservation. On the sack was inscribed the name of the ambassador, together with the nature and duration of the embassy and the regnal year. On authority of the original writ to the

<sup>1</sup> The latter was usually the case: see the tables in Appendix IV.



treasurer and barons the chamberlain satisfied the claims of the envoy. He was paid in one of four ways: in cash; by allowance, yearly payments against future debts to the crown; by grant of custody of lands; or by assignment, an order to pay directed by writ or by writ and tally to some official such as a collector of customs.<sup>1</sup>

The accounts themselves reveal a great many interesting items. Wages, for instance, varied from a shilling to ten marks *per diem*; the usual amounts were half a mark, ten shillings, a mark, or five marks, varying with the rank of the person. More was allowed when the envoy was travelling on the Continent than when he was travelling in England. Two entries show what expenditures were sometimes necessary at the papal curia. The account of the bishop of Hereford in 1320 records a payment of a thousand marks (£666. 13s. 4d.) to pope, cardinals, and notaries for a bull, and to a messenger to fetch it.<sup>2</sup> John Stratford's account, running from 1322 to 1325, covers several journeys to the courts of Rome and of France. Among its items is, 'Et dato per consilium nunciorum Waltero, clerico Andree Sapiti, qui laborat in negociis predictis et in eisdem multa scripsit, pro labore suo, in vi florenis Florentie, percipienti vt supra xxs.'<sup>3</sup> The bishop of Exeter's account of a journey to France in 1325 includes the salaries paid to the king's advocates at the Parlement de Paris. The payment, amounting to £36. 14s. 11½d., was authorized by writ of privy seal; its recipients were Masters Eudes de Sens, Guillaume du Breuil, Regon' Lyoart, and Jean de Atteyo.<sup>4</sup>

The accounts of Robert Segre deserve special attention, for they are correlative with that of Bishop Langton<sup>5</sup> and throw light on the financial side of Edward I's diplomatic activities in the Low Countries. His first account was made in conjunction with Lewis of Savoy, and extends from 22 July to 10 October 1294. The only receipts recorded are

<sup>1</sup> Mirot and Déprez, *op. cit.*, pp. 552-4; Larson, 'The Payment of Fourteenth-Century English Envoys', *E. H. R.* vol. liv (1939), 403-14, an article which I was permitted to read in proof.

<sup>2</sup> Pipe 18 Edw. II, m. 20.

<sup>3</sup> E.A. 309 27, m. 3.

<sup>4</sup> E.A. 309/31; cf. Pipe 17 Edw. II, m. 28. Jean de Atteyo is perhaps Jean d'Ay (Delachenal, *Histoire des avocats au parlement de Paris*, p. 338), but Lyoart is not listed by Delachenal.

<sup>5</sup> *Infra*, pp. 128-133.

£22,000 from the treasury by a royal writ of liberate. The king of the Romans received £20,000 through his proctors, in part payment of a larger sum promised by Edward. Florence, count of Holland, received £1,800, of which he transmitted £1,000 to the archbishop of Cologne and £500 to the dean of Cologne and Hartrad of Merenbergh. Payments of £5 to a notary of the dean of Cologne and of £33. os. 7½*d.* to *nuncii* brought the total of money expended to secure alliances to £21,838. os. 7½*d.* Other terms were Segre's personal expenses, £20. 4*s.* 4*d.*, and £69. 12*s.* 7*d.* for the transportation of money. The latter included the rent of houses in which to store it in Holland, Zeeland, and Brabant, and for the repair of a tower in Dordrecht used for the safe-custody of the funds. The total expenditure was £21,927. 17*s.* 6½*d.*<sup>1</sup>

The second account extends from 18 November 1294 to 13 November 1296. In addition to £25,126. 13*s.* 4*d.* received at Westminster, other funds were supplied from wool and loans. Customs on wool of merchants of Yarmouth, London, and Southampton received in Holland and Brabant brought £3,069. 6*s.* 2½*d.*, and the sale of the king's wool added £195. Loans, largely from the Italian merchants Bardi and Riccardi, amounting to £2,833. 14*s.* 3½*d.*, brought the total receipt to £31,224. 13*s.* 10*d.* Of that, £28,356. 13*s.* 4*d.* was spent in buying allies. Adolf, king of the Romans, was paid £20,000, the dean of Cologne and the lord of Merenbergh £500. The archbishop of Cologne received £4,300, his brother £100, and his nephew £60. Other payments were £600 to Lof of Cleves and £2,466. 13*s.* 4*d.* to Henry, count of Bar. Miscellaneous expenditures included £1,038. 7*s.* 11*d.* for transportation of the money from London through Yarmouth to Dordrecht and thence to Malines. A payment of £1,253. 18*s.* was made to the great wardrobe. Segre's wages and those of his company amounted to £126. 4*s.*; *nuncii* received £87. 2*s.* 4*d.* The total outlay was £30,862. 5*s.* 7*d.*<sup>2</sup> As M. de Sturler has

<sup>1</sup> Pipe 27 Edw. I, m. 31.

<sup>2</sup> Pipe 27 Edw. I, m. 31 *et dorso*, the enrolled version of E.A.308/18. There is a discrepancy of £216. 9*s.* 11*d.* in the receipts and of £89. 17*s.* in the expenses between the two; I have used the figures on the Pipe Roll.

so well remarked, the accounts are valuable for the indications they give of the intimate connexion between the Staple and diplomacy.<sup>1</sup> Segre followed that organization when it was removed from Dordrecht to Malines, and transacted through it the financial operations connected with wool that his accounts mention.

#### (v) THE WARDROBE

The prominence of the wardrobe in diplomacy was to a considerable extent due to its flexibility. As a department exercising the functions of a mobile exchequer, it was admirably suited to distribute funds used for diplomatic purposes; as one exercising the functions of a chancery, it was peculiarly fitted, through the presence in it of the privy seal, to deal with the more secret and extraordinary foreign correspondence. In time of war, or the preliminary arrangements for war, its position as a department for foreign affairs was particularly noticeable. It received and distributed the greatest proportion of the national revenue and became the body most nearly corresponding to the foreign office and to the diplomatic service. But its activities in peace time were no less important. The re-entry of England into close and involved relations with France had changed the whole face of diplomacy, making it a subject that could not be handled in the old routine or formalized fashion. Some less crystallized organization was needed to supplement older departments, and it was this function that the wardrobe served.

On the financial side of diplomacy its activities were threefold. Until about 1322, as it has been suggested, the accounts of the more 'solemn' envoys were handled through the wardrobe. The payment of the less important envoy, the messenger, was almost entirely in its hands. During the reigns of Edward I and Edward III the department, or a section of it, actually transferred its operations to the Continent, the better to cope with the task of paying prospective allies.

<sup>1</sup> *Les relations entre le Brabant et l'Angleterre au moyen âge*, pp. 180, 183-8, 197-8, 204-6, 207. The first account, however, is not analysed, and the second only partially; exact figures are not given. There is an error in his reference to the membrane of the Pipe Roll.

The general nature of the accounts of 'solemn' envoys is apparent from the figures printed in the Appendix.<sup>1</sup> They are very similar to the *particule compoti* that were rendered in the exchequer. They contain, however, many more details concerning expenditures and, since they were usually arranged in chronological order with the place and date of payment noted, they are particularly valuable as indications of routes that envoys followed in their travels. In drawing up his statement the envoy followed the general scheme later employed in accounting with the exchequer. On his return his bill was checked in the wardrobe under the supervision of the cofferer. If the wardrobe made any payments before the departure of the ambassador, the amounts were entered in the *jornalia*, or day-books, of the department and later transferred into the larger account-books under various headings, usually under *necessaria*, *prestita*, or *unde responditur*, in the order named.<sup>2</sup> Accordingly, any such payments recorded on the envoy's bill could be checked against the entries in the department books. Apparently no royal writ ordering account was necessary: the only instance occurs in 1316, when a letter under the privy seal was sent to the keeper, ordering him to account with the bishop of Ely for a mission to Ireland, and to allow him £2 *per diem*.<sup>3</sup> Once the envoy's bill was viewed by the cofferer, his personal clerk, or the two clerks of the accounting table, he might be paid in either of two ways. Payment was often made directly in cash, and in this event the person sometimes gave a receipt. The bill was then sent by the wardrobe to the exchequer to be filed as a voucher. Otherwise, the ambassador would receive a bill or debenture. They were little slips of parchment bearing the name of the examining clerk and the seals of the keeper or the cofferer or of both. The holder presented them at the exchequer, where they were usually settled in instalments with each sum and date of payment noted on the slip. When the bill was finally paid, it was marked *persolvitur*, taken up, and filed at the exchequer.

<sup>1</sup> Appendix IV, Table 5.

<sup>2</sup> In many cases these entries form the only surviving record of some embassies, and a complete list would make a formidable register of envoys.

<sup>3</sup> E.A. 309/19, m. 2.

There are no instances where receipts exceeded expenditures, so the envoy was never faced with the necessity of making a cash payment to the wardrobe.

One or two examples will serve to indicate the variety of detail the accounts contain. There is an account, composed of nine membranes, that records the mission of Hugh de Ver to the court of Rome in 1297, 'en les busoignes le rey Dengleterre'.<sup>1</sup> Hugh finally left Canterbury on 16 March, after he had been called back from France by the king. He sent his valet, Richard de Ruilly, with other esquires, thirteen boys, and twenty horses along to Paris 'pur luy attendre et eiser les cheuaus'. They crossed the Channel at a cost of £11. 13s. 1d. and arrived in Paris ten days later. There the company was met by others who came from Gascony: a knight, two chaplains, a clerk, five gentlemen, six 'hommes de mestier', seven sumpters and boys who ate in the hall, five 'garscons a gages', along with ten horses. The retinue awaited their lord from 26 March to 3 April, at a cost of £20. 10s. 11½d.

Hugh de Ver's journey to Paris by way of Wissant with a knight and two esquires amounted to £4. 17s. 6d. In calculating these sums the relative values of sterling, *petits tournois*, and of *tournois gros* are noted. On his arrival, de Ver gave a banquet for those who had assembled with him 'pur parler des busoignes le rey'. The menu and cost is very carefully recorded in *petits tournois*:<sup>2</sup> bread, 4 *liv.* 1s. 3d.; wine, 4 *liv.* 15s. 9d.; fruit, 13s. 1½d.; potage, 3s. 9d.; eight pound of almonds, 5s.; 200 herring, 15s. 7½d.; other salt-water fish, 5 *liv.* 12s. 6d.; fresh-water fish, 9 *liv.* 16s. 3d.; sauce, 12s. 2d.; salt, oil, flour, and powder for pastries, 6s. 9d.; fuel for cooking, 11s. 10d. Miscellaneous expenses included feed and stables for fifty-one horses, 6 *liv.* 18s. 2d.; flares for lighting, 7½d.; fur, 18s. 7d.; wages for nineteen boys and a page, 14s. 10½d.

The embassy left Paris on 4 April and arrived at Lyon ten days later, having travelled through Bar-sur-Seine and down the Rhône valley. On 17 April it was at Chambéry, in

<sup>1</sup> E.A. 308/20.

<sup>2</sup> Based on the account, roughly 1s. sterling = 4s. 8d. *petits tournois* = 3½d. *tournois gros*.



Savoy, preparing to cross the Mt. Cenis pass into Italy. From Chambéry to Susa, at the foot of the pass on the Italian side, the journey took almost a week. From Susa a leisurely progress took the company to Rome by 26 May, through Turin, Pavia, Piacenza, Parma, Lucca, Florence, Siena, Viterbo, and Sutri. The return journey began on 9 July. A brief stop, from 23 July to 5 August, was made at Lucca. Travelling back by the same route, the embassy reached Wissant on 7 November, having spent a total of £608. 9s. 3½d.

The most unusual and the most interesting for details are the accounts of G. Langele, who in 1292 went on a mission to the khan of Persia.<sup>1</sup> The journey began at Genoa, where the first provisions were bought. They consisted of covers, skins, and furs, the price of which varied with the person for whom they were intended: grey squirrel of fine quality for Langele, smaller furs for others, and wool for the remaining members of the company, as well as cloaks of various styles. At Brindisi the embassy's scutifer purchased furs of white wolf and leopard, along with a supertunic of grey squirrel for Langele. Other items for travel included cross-bows, thin silk and taffeta, tents of cotton enforced with buckram, pavilions of ox skin, cloth of vermilion, green, and yellow, bearing the arms of Langele, fustian and cloth of Ypres and Flanders, saddles covered with red and yellow cloth, goat-skins for wine, sacks for bread, leather pockets for money, phials, pots, crockery, copper, and many other items. In Constantinople heavy gloves were bought, to be used on the return journey when winter was approaching. Cold weather and scarcity of supplies caused the company to sleep together, two in a bed, for a week in Constantinople.

The embassy was composed of twenty people. Besides Langele, there was a chaplain, Stephen, and a clerk, John. Nicholas of Chartres was scutifer responsible for the expenditure of funds. Four men-at-arms, Manfred, Gerard, Hubert, and Richard, a barber who also served as physician, three falconers, a cook, and seven servants completed the number. On the outward journey Nicholas of Chartres carried two

<sup>1</sup> E.A. 308/13-15. They have been published by Desimoni, 'I conti dell' ambasciata al chan di Persia nel MCCXCII', *Atti della Società Ligure di Storia Patria*, vol. xiii (1879), pp. 537-694.



gerfalcons ringed with silver as a present to the khan. They were fed daily on beef. On the return, the company brought a leopard, nourished on live mutton, evidently as a gift from the khan to Edward I. The group travelled as far as Tabriz, south-east of the Caucasus, only to find the khan absent from his capital. Nicholas of Chartres left the company and, together with another member, spent almost a month, from 15 April to 7 May, wandering over Asia Minor looking for him.

The return journey, which followed roughly the same route as the outward journey, began on 22 September from Marand, somewhat west of Tabriz. Travelling overland through Khoi, Arjish, Melasgird, Erzerum, and Baiburt, the embassy arrived at Trebizond on 13 October. Leaving there a week later, it reached Constantinople on 9 November. The voyage from Constantinople to Otranto took thirteen days, from 16 to 29 November. Following the eastern coastline of Italy as far as Barletta, the company then set out westward through Troja, Montesarchio, and Acerra to Naples, arriving there on 14 December. From Naples the route led through Capua, Mignano, Ceprano, Anagni to Rome. There they spent Christmas and met the celebrated Riccardi, merchants of Lucca. The journey was resumed three days after Christmas; through Viterbo, Montefiascone, and Aquapendente they arrived in Siena for New Year's Day (1293). Thence they crossed through S. Casciano and Pistoja to Lucca and followed the coast by way of Avenza and Rapallo to Genoa, completing their travels on 11 January. The account ends on 23 January with the company still in Genoa. An estimate cannot accurately be made of the expenses of the outward journey, because of the fragmentary condition of the manuscript. The cost of the return journey, however, reckoned in florins, *perperi*, *aspri*, and in *lire genovine*, was £3,363. 2s. 8½d.<sup>1</sup>

<sup>1</sup> Desimoni, op. cit., pp. 647-55. The reduction into sterling is based on the following ratio: 1 florin = 1½ *perperi* (or 36 *carati*) = 18 *aspri* = 14 *soldi* 5 *danari* = £1. 16s. sterling. Expenditures were:

	£	s.	d.
At Trebizond and Tabriz ( <i>aspri</i> 7722)	722	4	1½
At Constantinople ( <i>perperi</i> 289 <i>carati</i> 22)	347	18	9½
In Southern Italy ( <i>fiorini</i> 351 6d.)	631	17	9½
In Central Italy ( <i>fiorini</i> 138 1d.)	248	8	3½
At Genoa and environs ( <i>fiorini</i> 702 3s. 1d. and <i>lire genovine</i> 506 7s. 9d.)	1412	13	8½

The figures for the expenses of the ordinary messengers are not very great, for there were large numbers of such people and they were paid very little. Using the years for which figures are available, the total under Henry III is £2,318. 11s. 7½d.; under Edward I, £1,847. 14s. 1½d.; under Edward II, £1,113. 8s. 10d.; and under Edward III, £942. 0s. 10½d.<sup>1</sup> The total of the four figures amounts to £6,221. 15s. 5½d. The figures include sums paid to messengers carrying letters in England as well as abroad. The results to be gathered from a separation of the two categories would not be significant enough to warrant the necessary time and effort. The important fact is the downward trend of the totals. That is possibly due to the fact that under Henry III some of the accounts of 'solemn' envoys are to be found mixed with those of common *nuncii*; the number of these decreases through the following reigns being included under other headings. It can also be explained by the increase in the number of embassies themselves, since they would usually have their own messengers and include expenditures for them in their own accounts.

The role that the wardrobe played in securing and paying prospective allies is illustrated in the account of Walter Langton, bishop of Coventry and Lichfield.<sup>2</sup> Langton went abroad while he was treasurer, and his post was filled by John Droxford, controller of the wardrobe. His account, which was made in the wardrobe, affords clear evidence of the importance of this department in foreign affairs. Working directly through his embassy, which was the largest and

<sup>1</sup> These sums are based on figures found both in the wardrobe books and in wardrobe accounts on the Pipe Rolls under the title *nuncii*. The years covered are 42-5 Hen. III, 49 Hen. III-2 Edw. I, 2-26 Edw. I, 28-34 Edw. I, 1-2 Edw. II, 6 Edw. II, 8 Edw. II-2 Edw. III, 2-14 Edw. III. There is a record of £26. 9s. 6d. spent for similar purposes by the queen's wardrobe in 37 Henry III (E.A. 308/1). Some *nuncii* in the roll for the Welsh war, 10 & 11 Edw. II, went abroad; the figures for them amount to £7. 17s. (E.A. 308/5). There is a discrepancy between two sources for 15-17 Edw. II: MS. Stowe 553 gives £157. 9s. 4d., E. (W. & H.) 2, m. 20, £176. 1s. 11d.; I have used the latter.

<sup>2</sup> E.A. 308, 19. I am printing the account, together with an introduction and itinerary, in a paper, 'Bishop Langton's Mission for Edward I, 1296-1297'. Cf. de Sturler, *op. cit.*, pp. 149 n. 37a, 151 n. 52, 159 n. 91, 181 n. 29, 205; and *supra*, pp. 121-3. For a detailed discussion of the diplomatic activities of the wardrobe during the various times when it was actually moved to the Continent, see Tout, *Chapters*, ii. 61-6, 107, 115-18, 142; iii. 87, 91, 96, 115, 120; iv. 102-7.

most significant until the time of Edward III's activities in the Low Countries, it controlled the mainspring of diplomacy and engineered the chain of alliances against France that stretched almost from the Alps to the North Sea.

Receipts amounted to £34,726. 17s. 3d. The most important sources were wardrobe prests, which accounted for £18,146. 8s. 7½d., and funds from the exchequer, which accounted for £10,000. Italian merchants, mainly the Frescobaldi, furnished £4,961. 9s., while the receiver of the count of Flanders supplied £1,000. Other sources were not as significant: £385. 2s. 11½d., due to advantages from exchange rates, £200 from a burgess of Ghent, £30 from wool customs at Sandwich, and £3. 16s. 8d. gained by the sale of wine.

The expenses, which amounted in all to £42,457. 14s. 10¾d. and thus created an adverse balance of £7,730. 17s. 7¾d., may be grouped under the titles *confederationes*, *vadia*, *necessaria*, and *dona*. The first of these represents payments for alliances and is the largest of the four items, being £36,872. 4s. 4d. Guy of Flanders got the bulk of that amount, £26,800. The nobles of Burgundy, the term used in the account to describe the district of Franche-Comté, received £8,250, Blanche of Navarre, £1,566. 14s. 4d., John, duke of Brabant, and John, lord of Cuyk, £237. 10s. John of Bar was paid a large sum, only £18 of which can be ascertained because of the fragmentary condition of the manuscript.<sup>1</sup> There are few details about the alliances contracted, apart from the mere figures. One entry records that Guy of Flanders had received £8,500 from the exchequer in February 1296, before the embassy left England.

<sup>1</sup> These payments to allies should be compared with those recorded in fos. 155d-156d, 158 of MS. Add. 7965, the wardrobe account for 1296-7. They were £36,526. 2s. 8d. to Guy of Flanders, £15,295. 9s. to the magnates of Burgundy, £1,032 to John and Henry of Bar, £500 to John of Holland, and £424. 12s. 10½d. to John of Brabant and others; total, £53,778. 4s. 6½d. Thirty-six barrels of money were transported from Westminster via Sandwich to Ghent by Robert Segre, Ralph Manton, and William Eston in June 1297 (*ibid.*, fos. 18d, 24d-25). The cash was intended for the counts of Flanders and Bar. William Dogmersfield had charge of the king's jewels which, after being transported from Bruges to Brussels, Malines, Louvain, and Antwerp during the months of August and September 1297, were stored in the wardrobe at Ghent and later pledged to secure funds for the payment of allies (*ibid.*, fol. 18).

Another suggests that the agreements regarding sums to be expended to various allies were written in England and carried abroad for delivery. That implies a series of negotiations carefully planned in advance. Of the military aid to be furnished, the account mentions only that John of Bar agreed to supply fifty men-at-arms.

The second title of expenses, the wages, comes to £2,161. 15s. 2½d. Langton's household expenses were £1,388. 9s. 5½d.<sup>1</sup> Payments to messengers, again incomplete, amounted to £699. 6s. ¾d.; sailors received £73. 13s. 8d., and clerks, 6s. These items disclose that the ships used to transport the company were called *La Rose de Sandwich* and *La Floyne de Sandwich*. The third title includes certain necessary and miscellaneous expenditures making a total of £3,224. 4s. 7d. The largest entries are payments for victuals, £1,511. 4s. 10½d. Other sums were for wine, £800, miniver, £460. 3s. 9d., loans on the sale of wool, £368. 7s. 4d., canvas, £78. 16s. ½d., and for sacks, baskets, carts, and parchment, £5. 12s. 7d. The expenditures for victuals, largely beef and bacon, and those for wine and canvas were in preparation for the arrival of Edward I, who crossed to the Low Countries in 1297.<sup>2</sup> The last title, gifts, is the smallest of all, being only £199. 10s. 9½d. Of that, £138. 15s. was tagged *obsides Vasconie*, and represents a series of payments to hostages in the hands of Philip IV and to persons who had escaped from prison in France and were making their way towards England. The remainder, £60. 15s. 9½d., was spent in various small sums for a number of different things.

It is very difficult to trace the movements of the embassy except in a very general way. The account, rendered at Clifton in July 1298 by William Eston, covers a period from 23 July 1296 to 20 November 1297. It is not arranged chronologically, for the company did not travel together in one group. Langton himself visited France, Bourbonnais,

<sup>1</sup> MS. Add. 7965, fol. 35, is a record of Langton's expenses from 25 December 1296 to 19 November 1297, including those of clerks, valets, and merchants remaining in his company; the total is £983. 8s. 1½d.

<sup>2</sup> MS. Add. 7965, fos. 45-7, contains two interesting entries relating to such provisions. Robert Segre spent £3,619. 5s. 10½d. on stores provided in Flanders and Brabant; Elias Russel's account for wine amounted to £4,858. 10s.

Cambrésis, Flanders, and Brabant, but some members went as far afield as Gascony, Savoy, Rome, Burgundy, and Germany. Letters of protection were issued to Langton in January 1296, and in June Richard Dymmere and John de Hotoft were nominated to act as his attorneys during his absence.<sup>1</sup> Some attempt was made even at this late date to settle Anglo-French difficulties in a peaceful way. Papal envoys, the cardinal bishops of Albano and Palestrina, had been urgently offering their services as mediators since March 1295.<sup>2</sup> Accordingly, Langton was empowered to arrange truces between Philip IV, on the one hand, and the king of the Romans and Edward I, on the other. Instructions were issued to Edmund of Lancaster, who had already gone abroad, to take counsel with the envoys and cardinals, and Adolf of Nassau, the duke of Brabant, and the count of Bar were urged to send representatives to participate in the proposed conferences. At the same time, however, Langton was given powers to arrange alliances and conventions with Reginald of Gueldres, Florence of Holland, and the count of Cleves.<sup>3</sup> He went first to Paris, arriving there not long after 1 June. On 18 July the cardinals wrote to Archbishop Winchelsea from Paris, requesting that they be allowed to consecrate Langton in the bishopric to which he had been elected. They had already received power to ordain him.<sup>4</sup> It is fairly certain from the account that Langton remained in Paris until the end of July. During that time the pope was in constant communication with his legates and had even written to Philip IV and King Adolf, urging them to adopt the papal suggestions.<sup>5</sup> But Langton, apparently despairing of any fruitful negotiation, journeyed south to Bourbonnais, probably to gain first-hand information regarding the situation in Gascony and to secure the services of the lords of the Pyrenees, such as the bishop of Comminges. On his return to Paris in October, however, a proposal was made to hold a conference of all the disagreeing parties at Cambrai in the presence of the cardinals.

<sup>1</sup> *C.P.R.* (1292-1301), pp. 179, 193.

<sup>2</sup> *C.Pap.R.* i. 562-3.

<sup>3</sup> Rymer, i. 834, 835, 837, 838, 840.

<sup>4</sup> *Hist. MSS. Com., Various Collections*, i. 262; cf. *5th Report*, app., p. 446.

<sup>5</sup> *C.Pap.R.* i. 567-8.



The treasurer was then recalled to England to report to the king and to be present at Bury St. Edmunds 'to ordain concerning a subsidy'.<sup>1</sup> A French serjeant escorted the ambassador from Luzarches to Wissant. The meeting at Bury was momentous. In February Boniface VIII had issued his famous bull, *Clericos laicos*, in which it was laid down that no lay authority could exact supplies from the clergy without the express authority of the apostolic see. On the basis of that decretal Archbishop Winchelsea refused to allow the king any grant from the clerical estate. The consequent lack of money for war probably influenced Edward to continue his diplomatic efforts. At any rate, on 18 November Langton received fresh letters of protection and was sent to the conference at Cambrai. Letters of credence in his favour were directed to the king of the Romans, and he was empowered to treat with the magnates of Burgundy.<sup>2</sup> The continued efforts to secure peace had by this time attracted the attention of chroniclers, and Langtoft told in his quaint verse how the treasurer and his colleagues were making another attempt at negotiations and expressed the pious hope, 'Condure les face Deus et ben remener!'<sup>3</sup> Langton remained at Cambrai from 15 to 28 December and then travelled to Wissant, reaching the port on 1 January 1297. He was back in England by 10 January, for letters were issued at this time to him and his colleagues, empowering them to contract a loan of £7,500 for the king's use.<sup>4</sup> There he remained until the end of February.<sup>5</sup> The second period of negotiations had been a failure as far as peace with France was concerned, but John of Brabant had been secured as an ally in return for a promise of 40,000 *livres tournois noirs*.<sup>6</sup>

One final effort for peace was still to be made, but a serious attempt to secure allies was henceforth to be the main preoccupation of the embassy. Boniface VIII had

<sup>1</sup> C.C.R. (1288-96), p. 513.

<sup>2</sup> C.P.R. (1292-1301), p. 210; Rymer, i. 848, 849.

<sup>3</sup> Langtoft, ii. 274; cf. *Flores historiarum*, iii. 290-1.

<sup>4</sup> C.P.R. (1292-1301), p. 226.

<sup>5</sup> Letters of credence and protection were issued to him on 6 and 12 February (C.P.R. (1292-1301), p. 234; Rymer, i. 857, 858, 859, 860).

<sup>6</sup> C.P.R. (1292-1301), p. 232.



receded from his position in *Clericos laicos* through a new bull, *Romana mater*, and money from the clergy was at last forthcoming. At the same time, French encouragement to the Scots was proceeding apace, and this gave Edward further reason for raising arms against Philip. Letters of credence were addressed to Amadeus of Savoy, the counts of Holland, Bar, Flanders, Hainault, and the dukes of Brabant and Lorraine, the archbishop and dean of Cologne, and the bishops of Liège and Utrecht. With these and with many others Langton was able to confirm or to seek alliances. He was also given procuration to settle disputes among the princes of the Low Countries and the Rhineland: John of Brabant, the archbishop of Cologne, and the counts of Flanders, Hainault, and Holland.

The last stage of the embassy was the longest and most important. The ambassadors were empowered to pledge the tin in Cornwall and Devon that Edmund of Lancaster had granted to the king and to contract loans from merchants and cities to pay the king's diplomatic obligations. An ordinance was drawn up by the king and council regarding the wool to be bought and sent abroad for use by Langton and his colleagues.<sup>1</sup> This was the period when the greater part of the system of alliances was erected and when most of the payments recorded for this purpose in the account were made. The activities of the embassy centred mainly in Flanders and Brabant; Langton was busy in Bruges, Antwerp, Brussels, Lille, Courtrai, and Ghent. The information furnished by the account ends with him at Bruges on 1 August, but the company did not return to England until October and November. Edward I himself arrived in Flanders late in August, and it is probable that the treasurer spent some time with the king at Ghent, giving him details of the state of alliances and bringing the business of the embassy to a close.<sup>2</sup>

The activities of the wardrobe as a diplomatic chancery are more difficult to determine. From the end of the thirteenth century to the middle of the fourteenth the depart-

<sup>1</sup> *C.P.R.* (1292-1301), pp. 292, 299, 302.

<sup>2</sup> Langton probably returned to England by way of Louvain, Malines, Lierre, Hoogstraeten, Bréda, Geertruidenberg, and Dordrecht. MS. Dodsworth 76, fol. 16.

ment made enrolments of letters that it issued, but almost all of the documents that have survived are in the nature of warrants for the great seal. Nevertheless, there are certain indications that the wardrobe must have exercised functions of considerable importance as a secretariat for foreign affairs. The records, however, leave much to be desired, and it must be said at the outset that any conclusions on this question are necessarily based on deductions from rather meagre evidence.

There are several entries in wardrobe books that reveal that the department handled a great many diplomatic documents. In 1290 a payment of three shillings was made to Thomas Langton, 'pro vno forcerio de corio ferro ligato nouo, empto ad imponendum bullas et litteras garderobe'. Arnold Bon received a similar payment for a sack in which to impound various letters touching the marriage of Scotland. Six more boxes were needed for other letters.<sup>1</sup> In 1296 the exchequer allowed John Droxford funds 'ad scripta tangencia ducem Brabantie et alios imponenda'.<sup>2</sup> A payment four years later suggests that privy seal letters were being sent to the pope, if *curiam* can be interpreted as referring to the papal curia: 'pro . . . una pucchia cum bullis et aliis diversis litteris contrarotulatoris missis ad curiam per eundem involvendis . . .'.<sup>3</sup> Certainly the wardrobe was responsible for the transmission of other letters to Rome. In 1301 John of Winchester drew 5s. 7d. for a coffer 'pro quibusdam litteris patentibus sigillis magnatum Anglie signandis et mittendis ad summum pontificem infraponendis, et pro iij lb. de cotone empto pro dictis sigillis saluo custodiendis'.<sup>4</sup>

Entries relating to the composition and transcription of diplomatic documents afford further indications. In 1286 R. de l'Isle was paid a shilling for writing three 'great letters' in the chancery, apparently required for use by the wardrobe.<sup>5</sup> In March 1297 John of Derby, a chancery clerk employed in the wardrobe, earned three shillings for five days' work in writing several 'secret writs'.<sup>6</sup> There are

<sup>1</sup> Chan. Misc. 4/5, fos. 10, 11d. 15d.      <sup>2</sup> Issue Rolls, Exch. of Rec., 90, m. 1.

<sup>3</sup> L.Q.G., p. 59.

<sup>4</sup> MS. Add. 7966A, fol. 39d; cf. Round, 'The Barons' Letter to the Pope', *The Ancestor*, nos. vi. 185, vii. 248 (1903), viii. 100 (1904).

<sup>5</sup> Chan. Misc. 4/3, fol. 12.

<sup>6</sup> Ibid., 4/6, fol. 5.

payments amounting to £64. 9s. 2d. in that year and in 1300 for the transcription of bulls and other memoranda.<sup>1</sup> Other transcriptions were made of various quittances of the count of Holland<sup>2</sup> and of all the rolls and pells relating to Gascon payments in the years 22–7 Edward I.<sup>3</sup> Another interesting entry relates to the treaty signed at Paris in 1303. Through an envoy the wardrobe paid 4s. 4d. for the parchment, wax, and silk cords used in writing and sealing that instrument.<sup>4</sup>

The presence of notaries in the wardrobe is perhaps the strongest evidence of its secretarial activities in matters of diplomacy. Notaries were skilled in foreign fashions and well versed in the art of dictamen. The king frequently retained several papal notaries and paid them annual pensions. Master Berard of Naples, for instance, served from 1284 to 1288 at an annual fee of eighty marks, and Master Angelo from 1284 to 1291 at twenty marks.<sup>5</sup> They are often found as envoys or as recipients of payments made by envoys.<sup>6</sup> Those in the wardrobe were usually royal notaries, and it is possible to trace the activities of two of them in some detail. In August 1304 Master William Maldon, working with Master William Dorturer, received £6. 13s. 4d. for writing thirty-five public instruments concerning the collection of a papal tenth in England, Wales, Scotland, and Ireland.<sup>7</sup> From 23 March to 5 June 1312 he was busy transcribing other letters and bulls relating to the same subject. For that he was paid £7. 6s., or 2s. *per diem*.<sup>8</sup> A debenture records a payment of £13. 11s. 3d. to him from 20 to 30 November 1315. It included an allowance for horses, but the specific

<sup>1</sup> MS. Add. 7965, fol. 18; MS. Add. 35291, fol. 37.

<sup>2</sup> *L.Q.G.*, p. 69.

<sup>3</sup> Issue Rolls, Exch. of Rec., 102, m. 2, an allowance to Droxford for this purpose.

<sup>4</sup> E.A. 309/4.

<sup>5</sup> Liberate Rolls, Chan., 60, m. 2; 61, mm. 1, 2, 3, 5, 8; 64, m. 2; Issue Rolls, Exch. of Rec., 50, mm. 1, 2; 52, m. 2; 64, m. 3.

<sup>6</sup> A payment of five pounds to Gerard, notary of the archdeacon of Cologne, 'pro labore suo circa negocia domini regis' (1294–5) (Pipe 27 Edw. I, m. 31); £1. 19s. 9½d. for salaries of notaries and £5. 5s. for the expenses of one going as a messenger to the king of the Romans (1300–1) (E.A. 308/27); repayment of £47. 5s. 3d. to the Frescobaldi for funds advanced to notaries for writing and registering bulls (1306) (E.A. 369/11, fol. 34); 1,000 marks for similar services (Pipe 18 Edw. II, m. 20).

<sup>7</sup> MS. Add. 8835, fol. 15d.

<sup>8</sup> MS. Nero C. viii, fol. 58d.

services for which he was rewarded are not mentioned.<sup>1</sup> He received £11. 6s. 8d. for a period from 30 November to 23 December 1319, during which time he transcribed for Edward II's intended journey abroad peaces and confederations made between the kings of England and France.<sup>2</sup> Master Andrew de Tange was employed during the same time. From 21 December 1300 to 27 February 1301 and from 28 April 1302 to 16 March 1306 he worked at writing public instruments 'super homagiis et fidelitatibus Scottorum', for which he drew £87.<sup>3</sup> Similar business from 25 November 1316 to 7 July 1318 brought him an additional £50. 13s. 4d.<sup>4</sup> There are many other entries, in which names are not always given, of the occasional employment of notaries. Some were transcribing or composing various instruments on the reformation of treaties between England and France, as in 1300,<sup>5</sup> others writing 'instrumenta . . . et memoranda et alia regem et regnum suum tangencia', as in 1307-8;<sup>6</sup> almost all the work was concerned with some form of diplomatic document.<sup>7</sup>

On the basis of these and similar instances in the accounts it is difficult to escape the conclusion that a great deal of foreign correspondence came out of the wardrobe, and that important diplomatic documents owed a great deal of their form to the wardrobe clerks even when ultimately sealed in chancery. That the privy seal must have seen considerable use in such matters while it was in the custody of the controller of the wardrobe can perhaps be inferred from its importance after becoming a separate department. Already by 1338 most of the letters carried abroad by *nuncii* were letters of privy seal.<sup>8</sup> By the reign of Richard II the main diplomatic work was in the hands of the privy seal and the signet offices. Not only did the privy seal office issue numerous letters dealing with foreign affairs, but it was the normal place for using, keeping, and to a certain extent for

<sup>1</sup> Ward. Debent., file 482/250.

<sup>2</sup> MS. Add. 17362, fol. 13.

<sup>3</sup> MS. Add. 7966A, fol. 37; E.A. 369/11, fol. 48.

<sup>4</sup> Ward. Debent., file 483/590.

<sup>5</sup> L.Q.G., p. 67.

<sup>6</sup> Pipe 16 Edw. II, m. 50.

<sup>7</sup> MS. Add. 7965, fos. 15d, 16d; MS. Nero C.viii, fol. 55d; Misc. Bks. Exch. T.R., vol. 203, fos. 179, 350; cf. *ibid.*, fos. 183, 193 and Tout, *op. cit.* ii. 70 n. 2.

<sup>8</sup> Misc. Bks. Exch. T.R., vol. 203, fos. 218-40.

receiving diplomatic documents.<sup>1</sup> It is reasonable to assume that such a diplomatic tradition must have existed in some degree before the separation of the seal. Certainly its very nature, and the nature of the department of which it originally formed a part, made it an instrument ideally suited for such work.

<sup>1</sup> Perroy, *The Diplomatic Correspondence of Richard II*, introduction.

## CONCLUSION

ENGLISH relations with France from the treaty of Paris of 1259 to the outbreak of the Hundred Years War form a curious phase in medieval diplomatic history. They are characterized by a reliance on the normal channels of negotiations rather than by a resort to military efforts. The treaty of 1259 ushered in a new era in diplomacy, creating a continuous series of attempts to solve its tortuous problems and colouring the whole of English general foreign policy.

The character of that period was such that it became one of utmost importance in the development of English administration. No longer can it be thought that treaties were made and forgotten, that each step in diplomacy was an entity in itself, having no connexion with what had gone before. But if the work of embassies was to prove effective, if litigation in the Parlement de Paris and conferences such as the processes of Montreuil and Périgueux were to be pursued with any intelligence, some organization was needed to supplement the departments of state then existing. Diplomacy became a matter for archivists who were equipped with the means and training to follow and to advise upon the most technical questions. Documents were scattered among the repositories of chancery, exchequer, and wardrobe, and these departments were concerned with a great many other matters than those of diplomacy.

The office that the council created to correct such conditions was that of the *custos processuum*. Under the head of three successive clerks, Philip Martel, Elias Joneston, and Roger Staunford, the organization functioned continuously from 1306 to 1339. The reason for its being discontinued lies in the complete change wrought by Edward III when he decided to dispense with diplomacy and to resort to war. The *custos processuum* represented nothing less than a permanent secretariat for French affairs. He had his group of clerks and equipment and made his accounts first to the wardrobe and later to the exchequer. His archives were extensive, and it was part of his job to make them available to English envoys both at home and abroad. The course of



litigation in the Parlement de Paris was particularly under his surveillance, and he performed the important duties of instructing ambassadors and of advising the council in its determination of foreign policy. The office, in short, while it existed, was the keystone of Anglo-French relations.

Contemporaneously with the establishment of that organization occurred the revision and cataloguing of the diplomatic archives. Liber A and Liber B, the Gascon calendar, and Bishop Stapeldon's calendar were the results of that general house-cleaning of record repositories. With the composition of the last two registers the keeper of processes was intimately concerned, by virtue of his position as a technical expert in matters of diplomacy. All were eminently practical in their form and method, executed with the needs of the future clearly in mind.

These things represent efforts to cope with particular problems, but they are not divorced from the clarification of ordinary diplomatic organization that occurred at the same time. There was a delineation of activities in foreign affairs taking place within the ordinary governmental departments, a process in line with the general administrative changes and developments that were being made during this period. King and council retained the ultimate control of diplomacy; parliament as yet played an insignificant part, although the indications of future development were present. Chancery ceased to do more than to issue the formalized foreign correspondence, having abdicated many of its secretarial functions to the wardrobe. After a brief but important period during which the wardrobe handled the finances of diplomacy, the exchequer became the diplomatic accounting department with a set method of handling this business. When the smoke of realignment and reorganization cleared away, the wardrobe came out as the department most flexible and satisfactory for diplomatic affairs, being both a mobile exchequer and a secretariat. When the privy seal left the wardrobe, it took with it the functions that the wardrobe had built up or acquired in foreign affairs and the methods and experience of the activities of the *custos*; these it combined and shared with the signet.

The course of later evolution, then, had been clearly laid

out well before the end of the fourteenth century. Likewise the path had been marked for the development of the modern envoy from the technical expert who was always present at the Parlement de Paris and at the papal curia. All the elements were present: the step from medieval to modern administration and diplomatic representation was not a difficult one.

The diplomatic relations at the basis of those developments perhaps suggest an approach to yet another problem which, although not an essential part of administrative history, has some connexion with it. It has to do with the subject of medieval international relations. While such thinkers as Bartolus of Sassoferrato were busy harmonizing the practical situation existing between the Empire and the *civitates* with a troublesome theory of world-wide *imperium*, difficulties of a not too dissimilar nature were being worked out on the western borders of Europe. Those difficulties hinged upon the dual role of the English king as a vassal of France and a separate and distinct sovereign power. The core of the matter lies in the answer to the question of the extent to which the French king, in his relations with his vassal, was prepared to treat with the king of England as a political personage *sibi princeps*, an *imperator regni sui*. The problem, however, is much too comprehensive to be discussed in any detail here, and the following remarks must necessarily be no more than suggestions of a possible approach to an answer.

The king of France had always to recognize that the king of England was, as prince in his own land, a sovereign equal as well as a vassal. In letters to French seneschals in Gascony the expression was always 'rex Anglie, karissimus frater, et dux Aquitanie, fidelis noster'. Indeed, in correspondence not concerned with English possessions in France, the terms that indicated vassalage were often omitted. The same thing is borne out in treaty negotiations. In every instance, from 1259 to 1327, the preliminary discussions were always between the representatives of two sovereign equals: there is nowhere expressed the idea of a lord making peace with his vassal. Likewise, the forms treaties took implied a recognition of parity. In matters of diplomatic there was nothing

to distinguish the treaty of 1259 from a treaty that might be contracted, for instance, between England and Norway. It was only with the execution of treaty terms that the note of inequality crept in, and this was inherent in the nature of those terms, for they almost invariably dealt with feudal relations. Once an agreement was drawn up, its fulfilment or non-fulfilment became a matter of keeping or of breaking a feudal contract, a question for litigation in the court of the overlord.

A line was drawn, then, between England and English possessions in France. On the one side was an individual recognized in his sovereign capacity—*imperator regni sui*; on the other, the same individual recognized in his inferior feudal capacity—*comes in regno Francie*. To a considerable extent the distinction was admitted *de facto* by the English king. *De iure* he might protest that his courts were independent and self-sufficient, but no small amount of his diplomatic relations with France was carried on in the position of litigant before the Parlement de Paris.

Neither monarch, however, was consistent in his attitude. In two notable instances the king of France allowed the settlement of claims to be attempted outside his court. The process of Montreuil and, to a greater degree, the process of Périgueux represent conferences of representatives of equal powers. The methods that were used on these occasions and the goal for which the parties were striving have in them the seeds of international law. A great many of Joneston's documents reveal a preoccupation with the discovery and establishment of custom. The essence of law is custom, and when the representatives of England and France met for these conferences they endeavoured to arrive at a definite set of rules that could be used as a basis for adjusting claims and grievances. That their efforts came to naught does not detract from the significance of what they attempted. From the beginning failure was implicit in their undertaking, for the problems under debate had too much of a feudal character to admit of satisfactory and independent resolution.

An important relation had to be definitely settled before the time should be ripe for any system of law between the two countries. The question of that relation was beginning

to emerge when Edward II pronounced a citation for homage to France invalid because it had not been made to him in England as a definite sovereign power; it ran through the arguments of English proctors at the Parlement de Paris. Complete sovereignty of the English king in his relations with France had to be clearly established, and when Edward III threw down the gauntlet in 1339 the long war that followed was his method of establishing this sovereignty. Until it was achieved, even though eventually through the expulsion of the English from France, there could be no secure basis for any clearly defined law that would govern the relations of the two countries.

## APPENDIX I

### *The Accounts of Philip Martel*

1. *Brit. Mus. MS. Add. 7966 A, fol. 29 verso.*

#### Martel

Magistro Philippo Martel, venienti ad mandatum regis vsque Norhamptoniam et Lincolniam pro quibusdam negociis regnum Scocie tangentibus ordinandis, pro expensis suis per lxiiij dies mensibus Decembris et Ianuarii et Februarii; videlicet, per xxxviiij dies per quos fuit extra curiam, veniendo et redeundo, percipienti per diem vj s. viiiij d., et per xxvj dies morando in curia ad loca predicta, percipienti per diem iij s. pro expensis et vadiis garcionis et equorum suorum et aliis minutis necessariis pro expensis hospicii sui, per compotum factum cum eodem apud Lincolniam xviiij die Februarii—xvj li. xj s. iiiij d.  
(1300-1)

2. *Brit. Mus. MS. Add. 8835, fol. 12.*

#### Expense magistri Philippi Martel

Magistro Philippo Martel, eunti ad partes Francie in comitiua domini Roberti de Burghersh' ad inquirendum de dampnis datis supra mare per homines regis Francie de Calesia diuersis mercatoribus Anglie, pro expensis suis a vij die Aprilis vsque vj diem Maij, vtroque computato, per xxx dies, percipienti per diem dimidium marce, xv mar. Eidem, pro denariis per ipsum solutis pro custuma apud Douorriam et Whytsand' eundo et redeundo, iij s. Eidem, misso per regem ad partes predictas pro quibusdam negociis specialibus regi Francie exponendis, pro expensis suis a v<sup>to</sup> die Iulij vsque xxv diem Octobris, vtroque computato, per cxiiij dies per quos fuit circa negocia predicta, eundo, morando, et redeundo, percipienti per diem dimidium marce vt prius, xxxvij li. xiiij s. iiiij d. Eidem, pro passagio suo hominum et equorum suorum ad mare et custuma data apud Douorriam et Whytsand' eundo et redeundo, iiiij mar., per compotum secum factum apud Westmonasterium x<sup>o</sup> die Februarii anno xxxiiij<sup>o</sup>. Summa—l li. ix s. viij d.  
(1304)

3. *Exch. Accts. 369/II, fol. 49 verso.*

#### Expense P. Martel

Magistro Philippo Martel, eunti ad mandatum regis vsque Lugdunum ad curiam domini pape pro quibusdam negociis ipsum regem tangentibus ibidem expediendis, pro expensis suis sic eundo, morando, et redeundo a xxiiij<sup>to</sup> die Septembris anno xxxiiij<sup>o</sup> vsque x diem Aprilis

anno presenti, vtroque computato, per c <sup>xx</sup>iiii xix dies, percipienti per  
 diem dimidium marce, lxxvj *li.* vj *s.* viij *d.* Eidem, pro passagio suo  
 hominum et equorum suorum, custuma data apud Douorriam et  
 Whitsand sic eundo et redeundo, iij *mar.* Eidem, eunti alia vice in  
 negocio regis predicti vsque Burdigaliam ad curiam domini pape  
 predicti, pro expensis suis sic eundo et morando a xiiij<sup>o</sup> die Iulij anno  
 presenti vsque xxj diem Septembris anno eodem, quo die diem suum  
 clausit extremum in curia predicta, vtroque computato, per lxxj dies,  
 percipienti per diem ut prius, xxiiij *li.* xiiij *s.* iij *d.* Eidem, pro passagio  
 suo hominum et equorum suorum, custuma data sic eundo, ij *mar.*,  
 per compotum factum cum magistro Iohanne Martel, fratre et exe-  
 cutore eiusdem, London' mense Martij anno regni regis Edwardi  
 filii regis Edwardi nono. Summa—<sup>xx</sup>iiii xiiij *li.* (1305-6)



## APPENDIX II

### *The Accounts of Elias Joneston*

1. *Exch. Accts.* 309/17, 166/3. (8 July 1309—2 October 1336).<sup>1</sup>

[309/17, m. 1] Particule compoti magistri Elie de Joneston', clerici, custodis quorundam processuum et memorandorum regis ducatum suum Aquitanie tangencium, de receptis, misis, et expensis suis per ipsum factis circa custodiam et prosecucionem processuum et memorandorum predictorum ab octauo die Iulij anno regni regis Edwardi tertio incipiente vsque festum Sancti Michaelis anno vicesimo incipiente. Et ab eodem festo Sancti Michaelis vsque xxv diem Februarii anno regni regis Edwardi tertij post conquestum vj<sup>to</sup> incipiente.<sup>1</sup>

Expense ab viij die Iulij anno regni regis Edwardi filij regis Edwardi tertio vsque festum Sancti Michaelis proximo sequens

Idem computat in vadijs eiusdem Elie, continue intendentis negocijs memoratis ab viij<sup>o</sup> die Iulij predicto anno tertio vsque festum Sancti Michaelis proximo sequens per <sup>xx</sup>iiij et iiij dies, capiente per diem in partibus cismarinis xij *d.*—iiij *li.* iiij *s.*

Summa vadiorum, iiij *li.* iiij *s.*

Recepta eiusdem Elie, anno tertio

Idem reddit compotum de ix *li.* receptis de Ingelardo de Warle, custode garderobe dicti regis, de [presti]to super vadijs suis, vt patet in rotulo de prestitis dicte garderobe anni tertij predicti [regis, per] Ingelardum liberato in scaccarium.

S[umma recep]te, ix *li.*

Idem computat in vadiis ipsius Elie, continue intendentis negocijs memoratis per totum annum tertium predictum. De quibus in partibus transmarinis per ij vices; videlicet, prima vice missi per consilium cum processibus et memorandis predictis ad aduocatos et procuratores causas dicti regis in parlamento Paris' regentes a die Lune in crastino Pasche, quo transfretauit versus partes predictas, vsque diem Mercurii post octabas Pasche, quo rediit in Angliam, primo et non vltimo computato, per ix dies, capiente per diem ij *s.*, et secunda vice a vij<sup>o</sup> die Septembris vsque ad ix diem Octobris per xxij dies, qui faciunt in totum xxxij dies, capiente per diem ij *s.*—lxiiij *s.* Et in partibus cismarinis per cccxxiiij dies, capiente per diem xij *d.*—xvj *li.* xij *s.*

Summa vadiorum, xix *li.* xvij *s.*

<sup>1</sup> Dip. Doc. Chan. 29/10/19-25 and E.A. 309/16 are drafts of this account.

Et in passagio et repassagio maris et custumis hincinde prima vice, iij s. iiij d. Et in cariagio dictorum processuum a London' vsque Douorr' per ij dies, et redeundo a Douorr' vsque London' per ij dies, capiente per diem vj d.—ij s. Et in passagio maris secunda vice versus partes Francie vij<sup>o</sup> die Septembris predicto pro dicto Elia cum vno equo, ij s. Et in batello, portagio, pontagio, et custumis hincinde, xiiij d. Et in cariagio dictorum processuum de London' vsque Douorr' per ij dies, xij d., capiente per diem vj d. Et in ij robis per idem tempus, xl s.

Summa necessariorum, xlix s. vj d.

Recepta Elie, anno iiij<sup>to</sup>

Idem reddit compotum de xiiij li. vj s. viij d. receptis de predicto Ingelardo de prestito super vadiis suis anno iiij<sup>to</sup>, sicut continetur in rotulo de prestitis garderobe anni quarti predicti, per dictum Ingelardum liberato in scaccarium.

Item, de l s. receptis ab Emerico de Friscumbaldo, constabulario Burdegalie, in partibus Vasconie anno iiij<sup>to</sup> predicto mense Februarii.

Summa recepte, xv li. xvj s. viij d.

De quibus in vadiis eiusdem Elie, continue intendentis negociis memoratis a festo Sancti Michaelis anno dicti regis Edwardi iiij<sup>to</sup> vsque vij diem Iulij proximo sequentem per cc iiij<sup>xx</sup> et j diem. De quibus in partibus transmarinis a dicto festo Sancti Michaelis vsque ad vltimum diem Octobris proximo sequentem per xxxij dies, missi per consilium cum dictis processibus et memorandis ad commissarios regis Anglie Paris'. Et secunda vice a xiiij die Ianuarii, missi per consilium ad dictos commissarios in partibus Vasconie existentes, vtroque die computato, per lxxix dies, qui faciunt in toto cxj dies, capiente per diem ij s.—xj li. ij s. Et in partibus cismarinis per clxx dies, capiente per diem xij d.—viij li. x s.

Summa vadiorum, xix li. xij s.

Et in repassagio maris primo die Nouembris sine equo. Et in batello, portagio, et custumis hincinde, xvij d. Et in passagio maris versus partes Francie xiiij die Ianuarii pro dicto Elia cum vno equo, vj s. Et in batello, portagio, pontagio, et custumis hincinde, xx d. Et in repassagio suo cum vno equo nichil, quia transfretauit magister Thomas de Cobham. Et in custumis hincinde, iiij d. Et in cariagio dictorum processuum a Douorr' vsque London' redeundo. Et alia vice a London' vsque Douorr' et redeundo a Douorr' London' per vj dies, capiente per diem pro cariagio vj d.—iiij s. Et in ij robis per idem tempus, xl s.

Summa necessariorum, lij s. vj d.

*De annis quinto et sexto nichil computat, sicut patet in libro dicte garderobe.*<sup>1</sup>

[m. 2]                      Recepta eiusdem Elie, anni vij

In primis, a domino Cantuariensi archiepiscopo in domo sua London' viij die Decembris, x *li.* De quibus idem oneratur in libro garderobe de vnde respondebitur, anni viij [*sic*] predicti.

Idem apud Westmonasterium a thesaurario et camerariis mense Nouembris, xxx *s.*

Item, a thesaurario et camerariis apud Westmonasterium viij die Februarii, xx *s.*

Item, a dictis thesaurario et camerariis ibidem xx die Iunii, xx *s.* De quibus lxx *s.* fit mencio in rotulis de liberationibus factis dicto domino Ingelardo in scaccario recepte, de terminis Michaelis et Pasche anni vij predicti. Et de xx *s.* receptis de custode garderobe Isabelle regine apud Pontis' mense Maij, sicut continetur ibidem.

Item, a domino Iohanne Van, London' xxij die Iunii, xx *s.*

Item, de Petro Galeys, fratre dicti Iohannis Van, Paris' xxvij die mensis predicti, lxiiij *s.*

Summa totalis recepte, xvij *li.* xiiij *s.*

In vadijs eiusdem Elie, continue intendentis negocijs memoratis a festo Sancti Michaelis dicti anni vij vsque vij diem Iulij proximo sequentem per cc <sup>xx</sup>iiij et i diem, de quibus in partibus transmarinis per tres vices: prima vice, missi ad regem Bolonie cum litteris cancellarii et thesaurarii ordinatis per consilium ad impediendum quoddam arbitrium inter dominum regem prelocutum a xiiij die Decembris vsque ad xxvij diem eiusdem mensis, vtroque die computato, per xv dies; et secunda vice, missi ad parliamentum Paris' cum litteris regis directis Francorum regi et senescallo Vasconie et ceteris omnibus de consilio dicti regis Anglie ad predictum parliamentum venturis pro dicto arbitrio impediendo a xix die Februarii vsque xvij diem Maii, vtroque die computato, per <sup>xx</sup>iiij et viij dies; et tertia vice, missi per ordinationem consilij ad parliamentum predictum pro negocio predicto et pro responsionibus per Francorum regem factis ad petitionem dicte domine regine a xxvij die Iunii vsque vij diem Iulij per x dies, cxiiij dies, ipso capiente per diem ij *s.*—xi *li.* vj *s.* Et in partibus cismarinis per clxviij dies, capiente per diem xij *d.*—viiij *li.* viij *s.*

Summa vadiorum, xix *li.* xiiij *s.*

Et in passagio maris versus partes Francie, xiiij die Septembris pro dicto Elia, iiij *s.* Et in batello, portagio, et custumis hinc inde, x *d.* De repassagio et custumis non computat, quia transiuit cum familia

<sup>1</sup> *Infra*, no. 2.

regis. Et in passagio maris versus partes Francie xix die Februarii predicto pro dicto Elia et cum vno equo, iiij s. Et in batello, portagio, et custumis, xvj d. Et in passagio maris tertia vice, videlicet, xxvij die Iunii pro dicto Elia, viij d. Et in batello, portagio, et custumis, x d. Et in repassagio eiusdem, vj d. Et in batello vsque ad nauem, portagium, et custumis, viij d. Idem pro duabus robis suis de eodem anno, xl s.

Summa necessariorum, lij s. x d.

*De anno viij et ceteris omnibus subsequentibus vsque ad xix diem mensis Octobris anni xvij nichil computat, quia computauit in garderoba regis, prout apparet per libros garderobe de annis predictis.*<sup>1</sup>

Recepta eiusdem Elie, anni xvij

In primis, de domino Adam de Lynberge, constabulario Burdegalie, in partibus Vasconie et Tholos' inter xxx diem Decembris et primum diem Aprilis per vices, l li. *turon.*, qui valent x li. *sterlingorum*, vt patet in libro compoti dicti constabularii.

Item, in garderoba comitis Cancie, Paris' die Sabati in septimana Pasche, xij s. iiij d.

Item, idem Elias recepit in garderoba patris domini nostri regis tempore quo dictus Rogerus de Norbourth' fuit custos garderobe predicte in denariis in quibus remanet in arreragiis anno xiiij, lxxix s. Et computauit plene de vadijs suis cum eodem domino Rogero vsque vltimum diem Aprilis anno xv.<sup>2</sup>

Summa recepte, xiiij li. xij s. iiij d.

In vadijs eiusdem Elie, continue intendentis negocijs memoratis a xx<sup>o</sup> die Octobris anni xvij predicti vsque ad festum Sancti Michaelis proximo sequens per cccxlv dies, de quibus in partibus transmarinis missi per ordinationem consilij ad partes Vasconie pro facto bastide Sancti Sacerdotis et aliis terram Vasconie tangentibus a x die Decembris vsque xxiiij diem Aprilis per cxxxvj dies, capiente per diem ij s.—xij li. xij s. Et in vadiis suis in partibus cismarinis per cccx dies, capiente per diem xij d.—x li. ix s.

Summa vadium, xxiiij li. xij d.

Et in passagio maris versus partes Francie x<sup>o</sup> die Decembris predicto sine equo, vj s. Et in repassagio xxv die Aprilis, xix d. Et in equis conductis vsque Paris' de ordinatione consilij London', facta pro celebriori expeditione nunciorum regis ad Francorum regem destinatum et litteras regis Anglie Paris' expectancium, xij s. Et in equis conductis redeundo London' a ciuitate Paris' infra quatuor dies, cum

<sup>1</sup> *Infra*, nos. 3 and 4.

<sup>2</sup> *Hale* is written in the margin opposite this sentence. Henry of Hale was Northburgh's attorney and later cofferer of the wardrobe.

*De annis quinto et sexto nichil computat, sicut patet in libro dicte garderobe.*<sup>1</sup>

[m. 2]                      Recepta eiusdem Elie, anni vij

In primis, a domino Cantuariensi archiepiscopo in domo sua London' viij die Decembris, x *li.* De quibus idem oneratur in libro garderobe de vnde respondebitur, anni viij [*sic*] predicti.

Idem apud Westmonasterium a thesaurario et camerariis mense Nouembris, xxx *s.*

Item, a thesaurario et camerariis apud Westmonasterium viij die Februarii, xx *s.*

Item, a dictis thesaurario et camerariis ibidem xx die Iunii, xx *s.* De quibus lxx *s.* fit mencio in rotulis de liberationibus factis dicto domino Ingelardo in scaccario recepte, de terminis Michaelis et Pasche anni vij predicti. Et de xx *s.* receptis de custode garderobe Isabelle regine apud Pontis' mense Maij, sicut continetur ibidem.

Item, a domino Iohanne Van, London' xxij die Iunii, xx *s.*

Item, de Petro Galeys, fratre dicti Iohannis Van, Paris' xxvij die mensis predicti, lxiiij *s.*

Summa totalis recepte, xvij *li.* xiiij *s.*

In vadijs eiusdem Elie, continue intendentis negocijs memoratis a festo Sancti Michaelis dicti anni vij vsque vij diem Iulij proximo sequentem per cc <sup>xx</sup>iiij et i diem, de quibus in partibus transmarinis per tres vices: prima vice, missi ad regem Bolonie cum litteris cancellarii et thesaurarii ordinatis per consilium ad impediendum quoddam arbitrium inter dominum regem prelocutum a xiiij die Decembris vsque ad xxvij diem eiusdem mensis, vtroque die computato, per xv dies; et secunda vice, missi ad parlamentum Paris' cum litteris regis directis Francorum regi et senescallo Vasconie et ceteris omnibus de consilio dicti regis Anglie ad predictum parlamentum venturis pro dicto arbitrio impediendo a xix die Februarii vsque xvij diem Maii, vtroque die computato, per <sup>xx</sup>iiij et viij dies; et tertia vice, missi per ordinationem consilij ad parlamentum predictum pro negocio predicto et pro responsionibus per Francorum regem factis ad petitionem dicte domine regine a xxvij die Iunii vsque vij diem Iulij per x dies, cxiiij dies, ipso capiente per diem ij *s.*—xi *li.* vj *s.* Et in partibus cismarinis per clxviij dies, capiente per diem xij *d.*—viiij *li.* viij *s.*

Summa vadiorum, xix *li.* xiiij *s.*

Et in passagio maris versus partes Francie, xiiij die Septembris pro dicto Elia, iiij *s.* Et in batello, portagio, et custumis hinc inde, x *d.* De repassagio et custumis non computat, quia transiuit cum familia

<sup>1</sup> *Infra*, no. 2.

batello, portagio, et custumis, xvij *d.* Et in passagio maris secunda vice xiiij die Martii predicto cum clerico suo sine equo, ij *s.* Et in batello, portagio, vj *d.*; et nichil in custumis propter transitum domine regine. Et in repassagio xj die Aprilis cum vno clerico sine equo, ij *s.* Et in batello, portagio, et custumis, xiiij *d.* Et tertia vice in passagio maris versus partes Francie cum duobus clericis custodientibus processus regis xiiij die Septembris predicto, in quodam batello conducto in crastino passagij dicti comitis et in portagio, iij *s.*; de custumis non computat propter transitum comitis predicti. Et in duabus robis per idem tempus, xl *s.*

Summa necessariorum, lvj *s.*

Summa totalis expensarum, xxv *li.* iij *s.*

#### Recepta anni xix

In primis, recepit in garderoba comitis Cestre de domino Willielmo de Cusauns, custode garderobe predicte, Paris' mense Nouembris, sicut continetur in libris dicte garderobe anni predicti, xl *s.*

Item, in eadem garderoba de domino Ricardo de Buri, custode garderobe predicte, Paris' inter dictum mensem Nouembris et vltimum diem Ianuarii proximo sequentem de prestito super vadijs suis, ix *li.*

Summa recepte, xj *li.*

De quibus, in vadijs eiusdem Elie per totum annum xix per ccclxv dies; videlicet, in partibus transmarinis missi per ordinationem consilij in comitiua domini comitis Cestre pro custodia processuum et memorandum predictorum a dicto festo Sancti Michaelis anni quarti predicti incipientis vsque primum diem Februarii proximo sequentem<sup>1</sup> per cxxij dies, capiente per diem ij *s.*—xij *li.* iij *s.* Et in partibus cismarinis per ccxliij dies,<sup>2</sup> capiente per diem xij *d.*—xij *li.* iij *s.*

Summa vadiorum, xxiiij *li.* vij *s.*

Et in repassagio eiusdem primo die Februarii cum duobus<sup>3</sup> clericis sine equis. Et in batello, portagio, et custumis hincinde, ij *s.* x *d.* Et in apparatu cariagij dictorum processuum, videlicet, in burgis de coreo, vij *s.* Et in vno sacco de coreo, iij *s.* vj *d.* Et in cariagio dictorum processuum a villa Douorrij vsque London' per tres dies mense Februarii, capiendo per diem vj *d.*—xviiij *d.* Et in cartis, litteris authenticis, et processibus originalibus transcribendis, vj *s.* viij *d.* Et in expensis cuiusdam nuncij, missi a Paris' vsque London' pro negociis regis ibidem in parlamento, per xviiij dies, expectans responsum consilii regis, xvj *s.* Et in duabus robis per idem tempus, xl *s.*

Summa necessariorum, lxxvij *s.* vj *d.*

<sup>1</sup> MS., *sequentem*.

<sup>2</sup> The scribe has written *s.* instead of *dies*.

<sup>3</sup> MS., *duobis*.



Pars anni xx<sup>mi</sup>

Idem Elias computat in vadijs suis, intendens continue negocijs predictis in partibus cismarinis a festo Sancti Michaelis anno xx<sup>mo</sup> vsque ad xxiiij diem Ianuarii proximo sequentem per cxvij dies, capiente per diem xij *d.*—cxvj *s.* Et pro vna roba yemali per idem tempus, xx *s.*

Summa, vj *li.* xvij *s.*

## Pars anni primi

Idem Elias computat in vadiis suis, continue intendens negocijs predictis a dicto xxiiij<sup>to</sup> die Ianuarii vsque ad festum Sancti Michaelis proximo sequens, in partibus cismarinis per ccxlvij dies, capiens per diem xij *d.*—xij *li.* viij *s.* Et pro roba sua estiuali per idem tempus, xx *s.*

Summa, xiiij *li.* viij *s.*

[*m. 4*]

## Recepta anni secundi

In primis, de thesaurario et camerariis ad scaccarium recepte mense Decembris de prestito super expensis suis anni secundi predicti, sicut continetur in rotulis de prestitis scaccarij predicti anni eiusdem, xl *s.*

Summa recepte, xl *s.*

De quibus, in vadijs eiusdem Elie, continue intendentis negocijs memoratis per totum annum secundum per ccclxv dies, in partibus cismarinis sequendo regem cum dictorum processuum transcriptis ad parlamenta Eboraci et<sup>1</sup> Norhampton' et ad consilia eiusdem regis apud Wygorn' et alibi, capiendo per diem xij *d.*—xviij *li.* v *s.* Et in dictorum transcriptorum cariagio ad loca predicta per xl dies, capiendo per diem vj *d.*—xx *s.* Et pro duabus robis per idem tempus, xl *s.*

Summa totalis, xx *li.* v *s.*

## Recepta anni tertij

In primis, recepit a thesaurario et camerariis apud Westmonasterium mense Maij ad scaccarium recepte, xiiij *s.* iiij *d.*

Item, a domino Ricardo de Buri, custode garderobe regis, apud Boloniam et Ambianis eodem mense, lx *s.*

Summa recepte, lxxiiij *s.* iiij *d.*

De quibus, in vadiis eiusdem Elie, continue intendentis negocijs memoratis per totum annum tertium per ccclxv dies; videlicet, in partibus transmarinis sequendo regem vsque Ambian' et redeundo in Angliam cum eius familia cum dictorum processuum et memorandum transcriptis, videlicet, a xxvj die Maij, quo transfretauit versus partes predictas, vsque xij diem mense Iunij, quo redijt in Angliam, primo die computato, per xvij dies, capiente per diem ij *s.*—

<sup>1</sup> MS., *in*.

xxxiiij s. Et in partibus cismarinis per cccxlviij dies, capiente per diem xij d.—xvij li.. viij s

Summa vadiorum, xix li. ij s.

Et in cariagio dictorum processuum a London' vsque Douorriam eundo versus partes predictas et a Douorria vsque London' redeundo per vj dies, et a London' vsque Kenelleuorth' et a dicto loco redeundo London' per vj dies, capiente vj d.—ij s. Et in batello et portagio vsque ad nauem pro dicto Elia et dictis processibus et duobus clericis dictos processus custodientibus, xij d. De passagio maris et repassagio et custumis hincinde non computat, quia transiuit cum familia regis. Et in duabus robis per idem tempus, xl s.

Summa necessariorum, xlvij s.

Summa totalis, xxj li. ix s. Et habet de superplusagio, xvij li. xv s. viij d.

#### Recepta anni quarti

In primis, de thesaurario et camerariis ad scaccarium recepte mense Februarii hoc anno de prestito super vadiis suis, x li.

Item, de isdem thesaurario et camerariis loco quo prius mense Iulij, vij s.

Item, in garderoba regis de magistro Thoma de Garton', custode garderobe predictae, apud Kenellewourth' mense Decembris anni eiusdem, xxxiiij s. iiij d.

Item, de dicto magistro Thoma in garderoba predicta inter mensem Martij et mensem Septembris anni eiusdem, xix s.

Summa recepte, xij li. xix s. iiij d.

De quibus, in vadiis eiusdem Elie, continue intendentis negociis memoratis per totum annum quartum per ccclxv dies; videlicet, in partibus transmarinis missi per consilium ad parliamentum Francorum regis cum processibus inter dictos reges pendentibus indecisus a primo [die] Lune quadragesime, quo transfretauit versus partes predictas, vsque Dominicam in medio quadragesime, quo reddiit in Angliam, primo die computato, per xx dies, capiente per diem ij s.—xl s. Et in partibus cismarinis per cccxlv dies, capiente per diem xij d.—xvij li. v s.

Summa vadiorum, xix li. v s.

Et in passagio maris versus partes predictas Francie cum duobus clericis primo die Lune quadragesime predictae, iiij s. Et in batello, portagio, et custumis, ij s. vj d. De repassagio non computat, quia transiuit cum familia comitis Lancastrie. Et in custumis, xij d. Et in restauro vnius equi badii mortui in seruicio domini regis in partibus cismarinis hoc anno, xxxvj s. Et in duabus robis per idem tempus, xl s.

Summa necessariorum, iiij li. ij s. vj d.

[m. 5]

## Recepta anni quinti

In primis, de thesaurario et camerariis ad scaccarium recepte mense Octobris hoc anno de prestito vt supra, x s.

Item, de eisdem thesaurario et camerariis loco quo prius mense Decembris hoc anno, xij li.

Item, de dictis thesaurario et camerariis mense Augusti loco et anno predictis de prestito super expensis suis versus partes Francie, lxxvj s. viij d.

Item, de domino Iohanne Vincent, receptore regis in comitatu suo Pontiui, mense Septembris hoc anno de prestito super expensis suis in partibus predictis, l s.

Summa recepte, xviiij li. vj s. viij d.

De quibus, in vadijs eiusdem Elie, continue intendentis negociis memoratis per totum annum quintum per ccclx [sic] dies, de quibus in partibus transmarinis missi per ordinationem consilij in comitiua domini Iohannis Trauers et magistri Iohannis de Hildesle pro quibusdam litteris Francorum regis in Angliam portandis a xxvij die Iulij, quo transfretauit versus partes Francie, vsque xvj diem Septembris, quo redijt in Angliam, primo die computato, per lij dies, capiente ij s.—ciiiij s. Et in partibus cismarinis per cccxiij dies, capiente per diem xij d.—xv li. xiiij s.

Summa vadiorum, xx li. xvij s.

Et in passagio maris versus Franciam nichil computat, quia transiuit in comitiua dictorum Iohannis Trauers et Iohannis de Hildesle, et in batello, portagio, et custumis hincinde, ij s. vj d. Et in repassagio maris redeundo in Angliam, iij s. Et in custumis hincinde, batello, et portagio, ij s. vj d. Et in duabus robis per idem tempus, xl s.

Summa necessariorum, xlvij s. xj d.

Summa totalis, xxiiij li. iij s. xj d.

## Recepta anni sexti incipientis

Idem reddit compotum de x s. receptis de domino Norwycensi episcopo mense Ianuarii hoc anno de prestito super expensis anni eiusdem.

Summa recepte, x s.

De quibus, idem computat in vadijs ipsius Elie, continue intendentis negociis predictis in partibus cismarinis per cxlix dies, capiente ibidem pro vadijs suis per diem xij d. per idem tempus; videlicet, a festo Sancti Michaelis anno vj<sup>to</sup> predicto incipiente vsque xxv diem Februarii proximo sequentem, vij li. ix s. Et pro roba sua yemali, xx s.

Summa expensarum, viij li. ix s.<sup>1</sup>

<sup>1</sup> The account is struck through to indicate enrolment (Pipe 6 Edw. III, m. 51).

[166/3, m. 1] Particule compoti magistri Elie de Ioneston', clerici, nuper custodis quorundam processuum et memorandorum regis ducatum suum Aquitanie tangentium, de receptis, misis, et expensis suis per eundem factis circa custodiam et prosecutionem eorundem processuum et memorandorum a xxv<sup>o</sup> die Februarii anno regni regis Edwardi tertij post conquestum vj<sup>to</sup>, vsque quem diem alias computavit, vsque secundum diem Octobris anno x<sup>o</sup> finiente.

Recepta anni vj<sup>ti</sup>

Item, reddit compotum de xx s. receptis de Iohanne Vyncent, receptore Pontiui, apud Wytsand' mense Maij anno vj<sup>to</sup> super expensis suis circa prosecutionem dictorum processuum in partibus transmarinis.

Summa recepte, xx s.

De quibus computat in vadiis ipsius, continue intendentis negociis memoratis a xxv die Februarii anno vj<sup>to</sup> predicto, vsque quem vltimo computavit in scaccario predicto, vsque ad festum Sancti Michaelis proximo sequente, [sic] primo die computato, per ccxvj dies, de quibus in partibus transmarinis a xix die Maij, quo transfretavit versus partes Francie de ordinacione consilij, vsque ad xxiiij diem eiusdem mensis proximo sequentem, quo rediit in Angliam, primo die computato, per quatuor dies, capiendo per diem ij s.—viij s.; et in partibus cismarinis per ccxij dies, capiendo per diem xij d.—x li. xij s. Summa vadiorum, xj li. Et in vna roba per idem tempus, xx s.<sup>1</sup> Et in passagio maris cum dictis processibus et duobus equis versus partes Francie, ix s. vj d. Et in batellis et portagio ad nauem apud Douorr' et a naue vsque Wytsand', xiiij d. Et in custumis apud Douorr', viij d., et apud Wytsand', xvj d. Et in repassagio maris cum dictis processibus et duobus equis, vj s. vj d. Et in batellis et portagio ad nauem apud Wytsand' et a naue vsque Douorr', xij d. Et in custumis apud Wytsand', xvj d., et apud Douorr', viij d. Et in cariagio dictorum processuum a London' vsque Douorr' eundo versus partes Francie, et a Douorr' redeundo London' per quinque dies, capiendo per diem pro huiusmodi cariagio vj d.—ij s. vj d. Item, mense Iulij in scriptura processuum missorum de ordinacione consilij ad curiam Francie pro consilio habendo ab aduocatis dicte curie super forma recuperandi terram Agenn' et alias terras per Francie regem occupatas, xxxiiij s. Item, mense Septembris in scriptura processuum missorum ad curiam Francie et ad partes Vasconie per magistrum Henricum de Cantuaria pro consilio habendo super facto predicto, xv s. Summa necessariorum, iiij li. xij s. viij d.

Summa totalis, xv li. xij s. viij d.<sup>2</sup>

<sup>1</sup> This item crossed out.

<sup>2</sup> xv li. has been crossed out and xiiij written above.

## Recepta anni septimi

Idem reddit compotum de xx s. receptis de thesaurario et camerariis ad scaccarium recepte xvij die Octobris anno vij<sup>o</sup> de prestitis super vadiis et expensis suis circa custodiam et prosecutionem processuum regis tangentium ducatum Aquitanie in custodia sua existentium. Et de c s. receptis de eisdem thesaurario et camerariis ibidem super eisdem xv<sup>o</sup> die Aprilis anno vij<sup>o</sup>.

Summa recepte, vj li.

De quibus computat in vadiis ipsius, continue intendentis negociis memoratis per totum annum septimum predictum; videlicet, a festo Sancti Michaelis anno septimo predicto vsque idem festum anno reuoluto per ccclxv dies, primo die computato, de quibus in partibus transmarinis de ordinatione consilij a xix die Aprilis, quo transfretauit versus partes Francie, vsque xxiiij diem Iunij proximo sequentem, quo rediit in Angliam, primo die computato, per lxxvj dies, capiendo per diem ij s.—vj li. xij s. Et in partibus cismarinis per cc <sup>xx</sup>iiij xix dies, capiendo per diem xij d.—xiiij li. xix s. Summa, xxj li. xj s. Et in vna roba estiuale infra<sup>1</sup> idem tempus, xx s.

Et in passagio maris versus partes Francie cum dictis processibus et tribus equis, xxj s. Et in batellis et portagio vsque ad nauem apud Douorr' et a naue vsque villam Calleti, xvij d., et in custumis apud Douorr', viij d., et apud villam Calleti, xx d. Et in repassagio maris cum duobus clericis et dictis processibus sine equis, iij s., et in batellis et portagio vsque ad nauem apud Wytsand' et a naue vsque Douorr', xiiij d. Et in custumis apud Wytsand', xvj d., et apud Douorr', viij d. Et in cariagio dictorum processuum a ciuitate Eboraco vsque Douorr' eundo versus partes Francie, et a Douorr' vsque Eboracum redeundo, per xviiij dies, capiendo per diem vj d.—ix s. Et in cariagio dictorum processuum vsque London' pro ipsis liberandis magistro Iohanni Piers, per vj dies, iij s. Item, mense Octobris London' et apud Westmonasterium in scriptura processuum missorum ad partes Francie per Norwycensem et Wygorniensem episcopos, xx s. Item, mense Maij in curia Francie regis extra Paris' in scriptura processuum et in litteris sigillatis tangentibus castrum et castellaniam Blauie et alias causas domini nostri regis, l s. Et in scriptura Paris' eodem mense et mense sequenti, xv s. Summa necessariorum, viij li. vij s. xj d.<sup>2</sup>

Summa totalis, xxviiij li. xviiij s. xj d.

Recepta anni octau<sup>3</sup>

De quibus computat in vadiis ipsius, continue intendentis negociis memoratis per totum annum octauum predictum; videlicet, a festo

<sup>1</sup> Written above *per*, which is crossed out.

<sup>2</sup> This sentence struck out.

<sup>3</sup> A blank space is left for the receipts, but remains unfilled.

Sancti Michaelis anno viij<sup>o</sup> predicto vsque ad idem festum anno reuoluto, primo die computato, per ccclxv dies, de quibus in partibus transmarinis a vj<sup>to</sup> die Octobris, quo transfretauit versus partes [*m. 2*] Francie de ordinacione consilij, vsque sextum diem Martij, quo rediit in Angliam, primo die computato, per clj dies. Et a quarto die Aprilis, quo transfretauit versus partes Francie de ordinacione consilij, vsque quintum diem Septembris, quo rediit in Angliam, primo die computato, per cliij dies. Et sic in partibus transmarinis cccv dies, capiendos per diem ij s.—xxx li. x s. Et in partibus cismarinis per lx dies, capiendos per diem xij d.—lx s.

Summa vadiorum, xxxiiij li. x s.

Et in duabus robis per idem tempus, xl s. Et in passagio maris versus partes Francie dicto mense Octobris sine dictis processibus et sine equis, xij d. Et in batellis et portagio vsque ad nauem apud Douorr' et a naue vsque Wytsand', vjj d. Et in custumis apud Douorr', ij d. Et apud Wytsand', vj d. Et in repassagio maris dicto mense Martij sine dictis processibus et sine equis, xvij d., et in batellis et portagio ad nauem apud Wytsand' et a naue vsque Douorr', vj d. Et in custumis apud Wytsand', vj d. Et apud Douorr', ij d. Item, in passagio maris dicto mense Aprilis cum dictis processibus et duobus equis, ix s. vj d. Et in batellis et portagio vsque ad nauem apud Douorr' et a naue vsque Wytsand', xij d. Et in custumis apud Douorr', vj d., et apud Wytsand', xiiij d. Et in repassagio maris dicto mense Septembris cum vno clerico et dictis processibus sine equis, iij s. Et in batellis et portagio vsque ad nauem apud Wytsand' et a naue vsque Douorr', xj d. Et in custumis apud Wytsand', xij d., et apud Douorr', iiij d. Et in portagio dictorum processuum a London' vsque Douorr' eundo versus partes Francie, et a Douorr' vsque Eboracum redeundo, per xij dies, capiendos per diem pro huiusmodi cariagio, vj d.—vj s. Item, in scriptura processuum Paris' et alibi sequendo regem Francie per tempus predictum, xx s. Summa necessariorum, iiij li. viij s. v d.

Summa totalis, xxxviij li. xvij s. v d.

#### Recepta anni noni

Idem respondet de xiiij li. vj s. viij d. receptis de thesaurario et camerariis scaccarij quarto die Ianuarii super consimilibus expensis suis memorandorum predictorum.

Summa recepte, xiiij li. vj s. viij d.

De quibus computat in vadiis ipsius, continue intendentis negociis memoratis per totum annum nonum predictum; videlicet, a festo Sancti Michaelis anni noni predicti vsque ad idem festum anno reuoluto per ccclxv dies, de quibus in partibus transmarinis a xxxiiij<sup>to</sup> [*sic*] die Ianuarii, quo transfretauit versus partes Francie de ordinacione consilij,



vsque secundum diem Aprilis, quo rediit in Angliam, primo die computato, per lxxvij dies, capiendo per diem ij s.—vj li. xvj s. Et in partibus cismarinis per cc <sup>xx</sup>iiij xvij dies, capiendo per diem xij d.—xiiij li. xvij s. Summa vadiorum, xxj li. xiiij s.<sup>1</sup>

Et in duabus robis per idem tempus, xl s. Et in passagio maris cum dictis processibus et tribus equis, xxj s. Et in batellis et portagio ad nauem apud Douorr' et a naue vsque Wytsand', xiiij d. Et in custumis apud Douorr', viij d. Et apud Wytsand', xvj d. Et in repassagio cum vno clerico et dictis processibus sine equis, iij s., et in batellis vsque ad nauem apud Wytsand' et a naue vsque Douorr', xiiij d. Et in custumis apud Wytsand', xij d. Et apud Douorr', iiij d. Et in cariagio dictorum processuum ab Eboraco vsque Douorr' eundo versus partes Francie, et a Douorr' vsque Eboracum redeundo, per xix dies, capiendo per diem pro huiusmodi cariagio vj d.—ix s. vj d. Summa necessariorum, lxxix s. j d. Summa totalis, xxv li. xij s. j d.

#### Recepta anni decimi

Idem reddit compotum de xlvj s. viij d. receptis de eisdem ibidem de prestito super expensis predictorum processuum ad parliamentum London' xxj<sup>o</sup> die Februarii anno x<sup>o</sup>.

Summa recepte, xlvj s. viij d.

De quibus computat in vadiis ipsius, continue intendentis negociis memoratis a festo Sancti Michaelis dicti anni decimi incipientis vsque festum Sancti Michaelis proximo sequens et ab eodem festo vsque ad secundum diem Octobris anni vndecimi incipientis, primo die computato, per ccclxvij dies, capiendo per diem xij d.—xviij li. viij s. Et in duabus robis per idem tempus, xl s. Et in cariagio dictorum processuum ab Eboraco vsque parliamentum mense Martij London' pro ipsis liberandis magistro Iohanni Pieres per septem dies, capiendo per diem pro huiusmodi cariagio vj d.—iij s. vj d.

Summa totalis, xx li. xj s. vj d.

Summa totalis recepte, xxij li. xiiij s. iiij d.

Summa totalis expensarum, cxxvij li. xiiij s. vij d.

Et sic habet de superplusagio cv li. iij d.<sup>2</sup>

#### 2. *Brit. Mus. Cotton MS. Nero C. viii, fol. 65.*

##### Expense magistri E. de Ioneston'

Magistro Elie de Ioneston', clerico ad processus, memoranda, articulos treugarum et pacis inter dominos Anglie et Francie reges, necnon memoranda ducatum Aquitanie tangencia custodienda assignato, pro

<sup>1</sup> This sentence struck out.

<sup>2</sup> The account is struck through to indicate enrolment (Pipe 11 Edw. III, m. 39).

vadiis et expensis suis per totum annum presentem; videlicet, per ccclxvj dies, propter annum bisextilem, per quos continue fuit intendens negociis memoratis in partibus Anglie, percipienti per diem xij *d.*—xviij *li.* xvj *s.* Eidem pro robis suis hiemali et estiuale anni eiusdem, xl *s.*, per compotum secum factum London' v<sup>to</sup> die Nouembris anno decimo—xx *li.* vj *s.* (1311–12)

3. *Exch. Accts.* 375/9, fol. 19.

Elias de Ioneston'

Elie de Ioneston', clerico, moranti Parisius per assignacionem regis ad proseguendum negocia sua in parlamento regis Francie terram Vasconie tangencia, de prestito super expensis suis per manus proprias apud Parisius xvij<sup>o</sup> die Aprilis—xx *s.* (1314)

4. *Brit. Mus. MS. Add.* 17362, fol. 13.

Expense Elie de Ioneston', clerici

Magistro Elie de Ioneston', clerico ad proseguendum negocia domini regis ducatum Aquitannie tangencia per ipsum dominum regem et consilium suum assignato, pro vadiis et expensis suis per totum annum presentem xij; videlicet, per ccclxvj dies, propter annum bisextilem, per quos fuit intendens negociis predictis tam in partibus cismarinis quam transmarinis, percipiendo per diem xij *d.*—xviij *li.* vj *s.* Eidem percipienti per ordinacionem consilij predicti duas robas per annum, pro huiusmodi robis suis hiemali et estiuale anni presentis, xl *s.* Eidem pro stipendiis vnius equi portantis processus et memoranda negociorum predictorum inter London' et Ambianos eundo et redeundo per xij dies mensibus Iunij et Iulij in comitiua domini regis, percipiendo pro dicto equo et vno garcione vj *d.* per diem—vj *s.*; per compotum factum apud Odyham xv<sup>o</sup> die Decembris anno xiiij. Summa, xx *li.* xij *s.* (1319–20)

5. *Brit. Mus. MS. Stowe* 553, fol. 32 dorso.

Expense E. de Ioneston', clerici, extra curiam  
in negociis regis

Magistro Elie de Ioneston', assignato per dominum regem et consilium suum ad proseguendum quedam negocia ipsius domini regis ducatum suum Aquitannie tangencia, pro expensis suis a primo die Maij anno quintodecimo vsque vij<sup>m</sup> diem Iulij anno sextodecimo finiente, vtroque computato, per ccccxxiij dies, de quibus fuit in partibus transmarinis ad proseguendum eadem negocia in curia regis Francie per xxx dies mensibus Martij et Aprilis anno sextodecimo, percipiendo xviij *d.* per diem, et in partibus cismarinis per cccciij dies, percipiendo xij *d.* per diem, per compotum inde factum—xxij *li.* viij *s.* (1322–3)

## APPENDIX III

### *The Account of Roger Staunford*

*Exch. Accts. 1661/9*

(6 October 1336—1 February 1339)

Compotus Rogeri de Staunford', clerici, custodis processuum et memorandorum domini regis de ducatu suo Aquitanie, a vj<sup>to</sup> die Octobris anno regni regis Edwardi tercij post conquestum xj<sup>o</sup> incipiente vsque ad primum diem Februarii anno regni eiusdem regis terciodecimo.

Annus xj<sup>us</sup>

Expense

Idem computat in vadiis suis pro custodia dictorum processuum et memorandorum a vj<sup>to</sup> die Octobris anno xj<sup>o</sup> incipiente vsque ad festum Sancti Michaelis proximo sequens per ccclix dies, capiente per diem xij *d.*—xvij *li.* xix *s.*

Et in robis suis yemali et estiali, xl *s.* Et in cariagio dictorum processuum et memorandorum ad diuersos tractatus apud Notyngham et Eboracum et alibi per ix dies, iiij *s.* vj *d.*, capiente per diem vj *d.*

Summa expensarum, xx *li.* iiij *s.* vj *d.*

Annus xij<sup>us</sup>

Recepta

Idem reddit compotum de c *s.* receptis ad receptam scaccarij per manus camerariorum eiusdem xxj<sup>o</sup> die Iulij anno xij<sup>o</sup> super vadiis suis in officio p[redicto].

Summa recepte, c *s.*

Expense

De quibus idem computat in vadiis s[ui]s a d[icto] festo Sancti Michaelis anno xij<sup>o</sup> incipiente vsque ad idem festum proximo sequens per ccclxv dies, xvij *li.* v *s.*, [capien]te per diem xij *d.* Et in robis suis yemali et estiali, xl *s.* Et in cariagio dictorum processuum et memorandorum de London' vsque Norhampton' et deinde vsque Staunford' et deinde vsque London' et deinde vsque Douorr' sequendo archiepiscopum et de Douorr' vsque London' per xvj dies, viij *s.*, capiente per diem vj *d.*

Summa expensarum, xx *li.* xiiij *s.*

## APPENDIX III

Prima pars anni xiiij

Expense

Idem computat in vadiis suis a dicto festo Sancti Michaelis anno xiiij<sup>o</sup> incipiente vsque primum diem Februarii proximo sequentem per cxxv dies, vltimo die computato, vj *li.* v *s.*, capiente per diem xij *d.* Et in vna roba, xx *s.*

Summa, vij *li.* v *s.*<sup>1</sup>

<sup>1</sup> The account is struck through to indicate enrolment (Pipe 12 Edw. III, m. 53).

# APPENDIX IV

TABLE I

## *English Claims at Montreuil, 1306*

(Based on D.D.C. 29,5/18 and 27/7)

### 1. *La Blacoge de Londres*

Sailing from Winchelsea to Dieppe; plundered by Michel de Navarre in August 1301; taken to Calais and disposed of by same and Henri de Geneve.

Cargo belonging to Richard Bush, of London:

10,000 (pieces) of tin	67	0	0		
15 sacks of lead	12	0	0		
140 gold florins 'del premier coin du roi de France'	42	0	0		
80 <i>livres petits tournois noirs</i>	8	0	0		
9 weights of cheeses	6	0	0		
Cables, beds, &c.	15	0	0	150	0 0
Claim, £20.					

### 2. *La Blithe de Londres*

Sailing from Brabant to London; plundered by Johan Pedroge off the North Foreland in July 1303; taken to Calais and disposed of by same and Odard de Maubusshon.

Cargo belonging to Cecile atte More, of London:

10 tuns of unpurified metal	10	0	0	10	0 0
Claim, £2.					

Cargo belonging to William Bush, of London:

40 tuns of unpurified metal	40	0	0	40	0 0
Claim, £8.					

### 3. *La Brume de Sandwich*

Sailing from Brabant to Sandwich; plundered by Johan Alsten, Johan Bay, Staci Beolf, Johan Huard, Odard de Maubusshon, and Guy Sodin at Orwell between 7 April and 29 September 1303; taken to Calais and disposed of by same.

Cargo belonging to Johan Drake, of Sandwich:

£8 <i>sterlings coronez</i>	—	—	—		
Claim, £16.					

Cargo belonging to Johan Lonerik, of Sandwich:

185 livres en ciseins, en torneis doubles, et  
en gros torneis

23 2 6      23 2 6

Claim, £3.

Cargo belonging to Berthelmeu Love, of Sandwich:

Moneys and merchandise

4 0 0

Armour

1 4 0      5 4 0

Claim, £7.

#### 4. *La Coqe Seinte Marie*

Sailing from Brabant to Sandwich; plundered by Johan Bay, &c. (as in no. 3); taken to Calais and disposed of by same.

Cargo belonging to Johan Arnais, of Sandwich:

Cloths, &c.

25 4 8      25 4 8

Claim, £1 10s.

Cargo belonging to Thomas de Bomenal, of Sandwich:

Cloths, &c.

15 5 2      15 5 2

Claim, £1 10s.

Cargo belonging to Geffrey Darundel and Johan Pece, of Sandwich:

Cloths, &c.

277 16 4      277 16 4

Claim, £30.<sup>1</sup>

Cargo belonging to Roberd Monin (Johan de Langedon, attorney), of Sandwich:

1 scarlet cloth

6 0 0

1 russet cloth

1 6 8      7 6 8

Claim, £1 6s.

#### 5. *La Custance de Sandwiz* (William Berepak, master)

Sailing from Sandwich to Antwerp; plundered by Johan Pedroge at Oye, near Calais, between 7 April and 29 September 1303; taken to Calais and disposed of by same.

Cargo belonging to Custance, wife of Estevene Crawe, of Sandwich:

60 sums of grain

2 measures of canvas

40 0 0

Claim, £10.

#### 6. *La Distaf de Haneford*

Sailing from Berwick to London; plundered by Johan Pedroge and men of Calais at Blakeney on 27 August 1303; taken to Calais and disposed of by same.

<sup>1</sup> Incomplete.



Cargo belonging to Gilbert de Asshendon, of London:

134 salmons	5	11	8		
1 bed with fittings	1	0	0		
1 coffer with various articles	1	0	0		
14 housings	18	8		8	10 4
Claim, £8 10s. 4d.					

Cargo belonging to Thomas atte Hurst, of London:

3 robes	3	6	8		
12das and cotton	2	0	0		
2 pails and 1 basin of metal		5	0		
1 bowl of mazer	1	6	8		
1 chalice	2	0	0		
2 vestments and 2 liveries	2	13	4		
Sheets and canvas	5	0		11	16 8
Claim, £11 18s. 8d.					

### 7. *Godefroi de Duffle*

Sailing from London to Brabant; plundered by Michel de Navarre and others of Calais off the North Foreland in May 1298; taken to Calais and disposed of by same and Henri de Geneve.

Cargo belonging to Thomas Cros, of London, executor of the will of Thomas Cros *père*, who was executor of the will of Henri Box, of London:

11 sarplers of wool	80	0	0	80	0 0
Claim—see no. 24.					

### 8. *La Halop Seint Johan de Bayone*

Sailing from Tonnay-Charente (départ. Charente-Inf., arr. Rochefort) to England; plundered by Reyner Grimaud and others and taken to Calais in August 1303.

Cargo belonging to James le Reue, fish-dealer of London:

4 wines	—	—	—		
6 tuns (of wine)	3	12	0		
6 pipes (of wine)	—	—	—	3	12 0 <sup>1</sup>
Claim, ?					

### 9. *La Hayne de Sandwix*

Sailing from Sandwich to Newcastle; plundered by Johan Alsten, Staci Beolf, Simon Davyn, Johan Huard, Odard de Maubusshon, and Guy Sodin at Stackard<sup>2</sup> between 7 April and 29 September 1303; taken to Calais and disposed of by same; nine men killed.

Cargo belonging to Hamon Cundi and William Kyok, of Sandwich:

Goods and merchandise	30	0	0		
Value of ship	21	0	0	51	0 0
Claim, £10.					

<sup>1</sup> Incomplete.

<sup>2</sup> I have been unable to identify this place.

10. *Johan Atheland*

Sailing from London to Brabant; plundered by Michel de Navarre and others of Calais off the North Foreland in May 1298; taken to Calais and disposed of by same and Henri de Geneve.

Cargo belonging to Thomas Cros (see no. 7)

20 sarplers of wool	202	0	0	202	0	0
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Claim—see no. 24.

11. *Johan Azelard de Mallins*

Sailing from London; plundered by Michel de Navarre, &c. (as in no. 10).

Cargo belonging to Watier le Hert de Mallins and Rose de Salisbery, of London:

2 sarplers and 1 sack of wool	18	6	0 <sup>1</sup>			
9 pieces of worsted	4	1	0			
12 <i>guilliers de . . .</i>		14	0 <sup>1</sup>			
14 gold florins	5	4	0			
1 silver bowl without legs	—	—	—	28	19	2

Claim, £6.

12. *Johan le Chandelers*

Sailing from London to Brabant; plundered by Michel de Navarre, &c. (as in no. 10).

Cargo belonging to Cecile atte More, of London:

7 sacks and 6 cloths of wool	66	9	3	66	9	3
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Claim—see no. 26.

Cargo belonging to Thomas Cros (see no. 7):

12 sarplers of wool	102	0	0	102	0	0
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Claim—see no. 24.

13. *La Lechenard*

Sailing from Scotland to London; plundered by men of Calais and others between Kirkley and Harwich in 1298; taken to Calais and disposed of by same; one man killed.

Cargo belonging to Richer de Resham, citizen of London:

16 sacks of wool, 3 lasts and 6 dickers of leather, lead, metal vessel, pots, pails, cauldrons, tallow, and ointment	151	5	0	151	5	0
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Claim, £151. 5s.

14. *Margarete de Fernemuth*

Sailing to London; plundered by Johan Pedroge and men of Calais at Orfordness in 1302; ship taken to Calais by same; men killed.

<sup>1</sup> Incomplete.

Cargo belonging to Johan de Chelchethe, of London:

8 lasts of herring	5	6	8		
1 barrel of <i>halayn</i>	2	8	0		
1 silver bowl	1	3	0		
2 beds, 2 robes, 1 coffer	3	6	8		
1 pot . . .	—	—	—		
. . . of straw		8	0	39	5 8
Claim, £39 5s. 8d.					

Cargo belonging to Adam de Fulham, of London:

5 lasts of herring	20	0	0	20	0 0
Claim, £20.					

Cargo belonging to Edmonde Lambins, of London:

3 lasts of herring	12	0	0	12	0 0
Claim, £12.					

### 15. *La Mariote de Seland*

Sailing from Antwerp to London; plundered by Michel de Navarre, &c. (as in no. 10).

Cargo belonging to William Bush, of London:

1 load containing 18 russet cloths of Brabant	54	0	0		
5,000 salt fish	83	6	8		
300 boards	3	15	0		
36 barrels of oil	28	16	0		
2 packs of rabbit skins, containing 2,400	6	0	0	175	17 8
Claim, £20.					

### 16. *Michel de Arwe* (owned by William Sare)

Sailing from London to Brabant; plundered on the high seas by Reyner Grimaud and others on 6 October 1303; taken to Calais and disposed of by same; sailors imprisoned at Calais.

Cargo belonging to Johan le Blund, Johan Gode, Richard le Goldsmith, Johan de Hetheye, William de Nesse, William le Sherman, Wauter Top, all of London:

9 sacks and 16 cloths of good wool in 9 sarplers	96	3	6		
10 sacks and 4 cloths of good wool in 9 sarplers and 6 lambskins	101	18	4		
5 sacks and 22 cloths of wool in 5 sarplers and 156 lambskins	88	15	10		
6 sacks and 42 cloths	86	3	4		
5 sacks and 4 cloths	51	11	4		
7 sacks and 4 cloths	71	11	4		
7 sacks and 26 cloths	80	0	0	576	3 8
Claim, £656 3s. 8d.					

17. *Michel de Middelborgh*

Sailing from London to Brabant; plundered by Michel de Navarre and others of Calais off the North Foreland in May 1298; taken to Calais and disposed of by same and Henri de Geneve.

Cargo belonging to Thomas Cros (see no. 7):

6 sarplers of wool	60	0	0	60	0	0
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Claim—see no. 24.

## 18. A ship owned by Nichol de Caich

Sailing from Scotland to Brabant; plundered by Odard de Maubusshon, Johan Pedroge, Johan de la Barge, Lani Jacop, Gusse Odin, Johan le Parker, Valseur le Mariner, Hirnolet le Mau, and Petre le Pottere at Kirkley in August 1304; ship and goods taken to Calais and disposed of by same; men killed.

Cargo belonging to Aleyn de Thornden, burgess of Lynn:

2 lasts and 3 dickers of deerskin	8	0	0	
1,200 lambskins	8	0	0	
60 salmons	4	0	0	
51 pounds of pollards	40	0	0	133 0 0 <sup>1</sup>

Claim, £143.

19. *La Nicholas*

Sailing from Lynn to Scotland; plundered by Odard de Maubusshon, Johan Pedroge, Johan Buard, Gusse Odin, Simond Davyn, Johan Allestein, Clay Clinchamer, Vaaseur le Mariner, Johan Paye, and Pettre le Pottere at Scarborough in August 1303; taken to Calais and disposed of by same; a mariner killed.

Cargo belonging to William Quineberge, burgess of Lynn:

Bread, ale, honey, meat, hard salt fish, &c.	35	15	8	35	15	8
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Claim, £45 15s. 8d.

20. *Tydmann Mullard del Bek*

Sailing to Antwerp; plundered by Reyner Grimaud and others off the coast of Holland in August 1303; taken to Calais and disposed of by same.

Cargo belonging to Robert But, of Norwich:

12 sarplers of wool	160	0	0	160	0	0
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Claim, £60.

21. *La Welifare de Sandwich*

Sailing from Sandwich to Antwerp; plundered by Johan Alsten, &c. (as in no. 3) near the Isle of Thanet between 7 April and 29 September 1303; taken to Calais and disposed of by same.

<sup>1</sup> Must include value of ship.

Cargo belonging to Johan Peni and Wauter le Draper, of Sandwich:

20 tuns 6 pipes of wine

60 0 0      60 0 0

Claim, £10.

22. *William B . . .*<sup>1</sup>

Sailing from London to Brabant; plundered by Reyner Grimaud on the high seas; taken to Calais and disposed of by same; shipper imprisoned for a year and six months.

Cargo belonging to Johan de Masseworthe:

Wool

100 0 0

1 trunk

1 0

1 blue robe

8 10<sup>2</sup>      100 9 10<sup>2</sup>

Claim, £175 13s.<sup>2</sup>

23. *William de Douere*

Sailing from Antwerp to England; plundered by Johan Pedroge and Odard de Maubusshon and others at Dover in September 1303; taken to Calais and disposed of by same.

Cargo belonging to Adam Houson, of Gloucester:

Cloths, silver in bulk

220 0 0      220 0 0

Claim, £280.

24. *William le Fitz Henri*

Sailing from London to Brabant; plundered by Michel de Navarre, &c. (as in no. 10).

Cargo belonging to Thomas Cros (see no. 7):

16 sarplers of wool

192 0 0

3 sarplers of wool

36 0 0      228 0 0

Claims, £100.

25. *William Henriessone de Seland*

Sailing from London to Brabant; plundered by Michel de Navarre, &c. (as in no. 10).

Cargo belonging to Cecile atte More, of London:

5 sacks and 36 cloths of wool

44 18 5      44 18 5

Claim—see no. 26.

26. *William Petersone de Seland*

Sailing from London to Brabant; plundered by Michel de Navarre, &c. (as in no. 10).

Cargo belonging to Cecile atte More, of London:

4 sacks and 56 cloths of wool

36 6 7      36 6 7

Claims, £20.

<sup>1</sup> Badly mutilated; this entry may form a part of no. 16.

<sup>2</sup> Incomplete.

Sailing from Newcastle to London; plundered by Michel de Navarre, Reyner Grimaud, and others at Margate; taken to Calais and disposed of by same.

... and 1 pipe of unpurified silver	30	15	0	30	15	0
Claim, £10.						

Sailing from Sandwich to Winchelsea; plundered by Johan Alsten, &c. (as in no. 3) between Sandwich and Dover between 7 April and 29 September 1303; taken to Calais and disposed of by same.

Claim, £3. 18 0 0 18 0 0

Total value of cargoes on 28 ships	3,250	4	3
Total amount of claims by 40 persons	1,882	18	0

*Pipe Roll Accounts of Envoys*  
22 Edward I—4 Edward III

## Receipts

Exchequer		26055	1	8
Direct payment	22453			
Through the Bardi	3302 : 1 : 8			
Through the collector of wool customs in London	200			
Through Hugh de Patryngton	100			
Other sources		302	14	8½
Receiver in Gascony	130			
Collector of wool customs in London	100			
Wardrobe	56			
Constable of Bordeaux	16 : 14 : 8½			
Total		26357	16	4½

Wages, travelling costs, &c.	Total	27344 17 5
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TABLE 3

*Pipe Roll Accounts of Envoys**1-14 Edward III*

(Based on figures from the accounts published by MM. Mirot and Déprez and corrected by Mr. Larson.)

*Receipts*

Exchequer		6729	11	9
Other sources		27626	16	9
Miscellaneous	20036 : 13 : 10			
Bardi	5791 : 15			
Other Italian merchants	911 : 16 : 3			
Constable of Bordeaux	561 : 4 : 4			
Wardrobe	182 : 0 : 8			
Collector of wool customs in London	143 : 6 : 8			
	Total	34356	8	6

*Expenses*

Wages, travelling costs, &c.	Total	55110	3	8
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TABLE 4

*Pipe Roll Accounts of Envoys**22 Edward I—14 Edward III*

(A combination of Tables 2 and 3)

*Receipts*

Exchequer	32784 : 13 : 5			
Miscellaneous	20036 : 13 : 10			
Bardi	5791 : 15			
Other Italian merchants	911 : 16 : 3			
Constable of Bordeaux	577 : 19 : 0½			
Collector of customs, London	243 : 6 : 8			
Wardrobe	238 : 0 : 8			
Receiver in Gascony	130			
	Total	60714	4	10½

*Expenses*

Wages, travelling costs, &c.	Total	82455	1	1
Balance in favour of accountants		21740	16	3½

TABLE 5

*Wardrobe Accounts of Envoys**36 Henry III—15 Edward II*

(Based on the Exchequer Accounts of all envoys travelling abroad from 36 Henry III, when this series of accounts begins, to 15 Edward II. Bishop Langton's account—E.A. 308/19—is omitted and discussed in detail below. One document—E.A. 308/21—is out of place in this series, belonging to the class of Wardrobe Debentures. A few accounts—E.A. 308/1-5, 10, 12, 26, 28—are accounts of payments to messengers and will be included under that title.)

*Receipts*

Wardrobe		676 12 6
Direct payment	401 : 19 : 7	
Through the Bardi	170 : 16 : 8	
Through the Scali	93 : 16 : 3	
Through merchants of Lucca	10	
Italian merchants		262 18 11
Frescobaldi	128 : 18 : 9	
Ballardi	116 : 16 : 10	
Lucca	16 : 13 : 4	
Other sources		199 17 8½
Prests	63 : 13 : 4	
Exchequer	60 : 6 : 4	
Great wardrobe	51 : 3 : 11½	
Private persons	9 : 6 : 8	
Treasurer of Ireland	6	
Queen's wardrobe	5	
Receiver in Ponthieu	4 : 7 : 4¾	
	Total	1138 19 1¼

*Expenses*

Wages, travelling costs, &c.	Total	9114 2 1½ <sub>20</sub>
Balance in favour of accountants		7967 2 11 <sup>9</sup> / <sub>10</sub>

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The real treasure-house of material, practically none of which has either been used or printed, is contained in the collection of Diplomatic Documents, Chancery (C 47), preserved in the Public Record Office. Unlike the Diplomatic Documents, Exchequer (E 30), a great many of which were used by Rymer in his *Foedera*, it is of modern constitution and arises from the sorting of chancery records formerly preserved in the Tower that took place about 1890. It includes the so-called 'state papers' and all documents dealing with foreign affairs or persons that are neither letters, petitions, nor warrants. Besides these there are some that are of a political rather than a diplomatic nature. The whole collection might be said to consist of 'informal' diplomatic documents. A manuscript list was made in 1896, but further reclassification began in 1908 and the complete list was not published until 1923. Additions since that date are catalogued in a small typescript kept in the Literary Search Room of the Public Record Office. Supplementary material of the same nature is scattered through the classes of Ancient Correspondence (SC 1), Ancient Petitions (SC 8), Chancery Miscellanea (C 47), Papal Bulls (SC 7), Parliamentary and Council Proceedings, Chancery (C 49) and Exchequer (E 175), Scottish Documents, Exchequer (E 39), and the Treaty Rolls (C 76).

The technical and financial aspects of diplomacy are especially illustrated in the large group of Exchequer Accounts (E 101), which contain the *particule compoti* of ambassadors as well as some wardrobe books. These were usually enrolled in an abbreviated form on the Pipe Rolls (E 172) and the duplicate Chancellor's Rolls (E 352). Additional wardrobe records are to be found in Enrolled Accounts,

Wardrobe and Household (E 361), and among Wardrobe Debentures (E 404). The Issue Rolls, Exchequer of Receipt (E 403), and Liberate Rolls, Chancery (C 62), yield many details of a financial and secretarial nature. Chancery Warrants (C 81) furnish information on the issue of certain types of diplomatic documents. The class of Miscellaneous Books, Exchequer Treasury of Receipt (E 36), contains various calendars and registers of instruments relating to foreign affairs.

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